

RECORD NO. 19-4758

In The
United States Court of Appeals
For The Fourth Circuit

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

BRIAN DAVID HILL,

Defendant – Appellant.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
AT GREENSBORO**

**JOINT APPENDIX
VOLUME I OF II
(Pages 1 – 160)**

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Counsel for Appellee

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APPEAL,CASREF,CLOSED

**U.S. District Court
North Carolina Middle District (NCMD)
CRIMINAL DOCKET FOR CASE #: 1:13-cr-00435-TDS-1**

Case title: USA v. HILL
Related Case: 1:17-cv-01036-TDS-JLW

Date Filed: 11/25/2013
Date Terminated: 11/12/2014

Assigned to: JUDGE THOMAS
D. SCHROEDER

Appeals court case numbers:
15-4057, 19-2077, 19-2338,
19-7483, 19-7756

Defendant (1)

BRIAN DAVID HILL
TERMINATED: 11/12/2014

represented by **BRIAN DAVID HILL**
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*ATTORNEY TO BE NOTICED
Designation: CJA Appointment*

Pending Counts

18:2252A(a)(5)(B) and (b)(2)
Possess child pornography of a
prepubescent minor under 12
years of age
(1)

Disposition

SUPERVISED RELEASE JUDGMENT. The Defendant's supervised release is revoked. Nine (9) months imprisonment and nine (9) years supervised release is re-imposed under the same terms and conditions as previously imposed. The Defendant shall surrender to the U.S. Marshal for the Middle District of N.C. or to the institution designated by the Bureau of Prisons by 12:00 p.m. on 12/6/2019

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

USA

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Date Filed	#	Docket Text
11/25/2013	<u>1</u>	INDICTMENT as to BRIAN DAVID HILL (1) count(s) 1. (Daniel, J) (Entered: 11/26/2013)
11/26/2013	<u>2</u>	ARREST Warrant Issued in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 11/26/2013)
12/23/2013		Arrest of BRIAN DAVID HILL on 12/23/2013. (Starr, Logan) (Entered: 12/23/2013)
12/23/2013		Attorney update in case as to BRIAN DAVID HILL. Attorney ERIC D. PLACKE for BRIAN DAVID HILL added. (Starr, Logan) (Entered: 12/23/2013)
12/23/2013		Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:Initial Appearance as to BRIAN DAVID HILL held on 12/23/2013. Proceedings Recorded. AUSA Sandra Hairston appeared on behalf of the USA. (Williamson, Wanda) (Entered: 12/23/2013)
12/23/2013		Oral Motion Re: Detention by USA as to BRIAN DAVID HILL. (Williamson, Wanda) (Entered: 12/23/2013)
12/23/2013	<u>3</u>	SEALED FINANCIAL AFFIDAVIT by BRIAN DAVID HILL. (Daniel, J) (Entered: 12/23/2013)
12/23/2013	<u>4</u>	ORDER appointing Assistant Federal Public Defender ERIC D. PLACKE as counsel for BRIAN DAVID HILL. Signed by MAG/JUDGE L. PATRICK AULD on 12/23/2013. (Daniel, J) (Entered: 12/23/2013)
12/23/2013	<u>5</u>	ORDER SCHEDULING DETENTION HEARING/ARRAIGNMENT for 1/2/2014 at 2:30 PM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE as to BRIAN DAVID HILL. Signed by MAG/JUDGE L. PATRICK AULD on 12/23/2013. (Daniel, J) (Entered: 12/23/2013)
12/27/2013	<u>6</u>	SEALED Pretrial Service Report, UPON COMPLETION OF THE DETENTION HEARING, ANY PAPER COPIES OF THE PRETRIAL SERVICES REPORT SHALL BE RETURNED TO THE PROBATION OFFICE. by Plaintiff USA, Defendant BRIAN DAVID HILL (Walser, Elizabeth) (Entered: 12/27/2013)
12/27/2013	<u>7</u>	ARREST Warrant Returned Executed on 12/20/2013 in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 12/30/2013)
01/02/2014		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE:ARRAIGNMENT AND DETENTION HEARING as to BRIAN DAVID HILL (1) Count 1 held on 1/2/2014. AUSA Rob Lang. AFD Eric Placke present with defendant. Defendant(s) pleads NOT GUILTY to all charges. No evidence presented. Defendant's Counsel stipulated to presentence report and ask detention order be entered until suitable conditions of release could be presented to the Court. The government consented to this request. Written order forthcoming. Proceedings recorded. (Garrett, Kim) (Entered: 01/02/2014)
01/02/2014	<u>8</u>	SCHEDULING ORDER as to BRIAN DAVID HILL Signed by John S. Brubaker, Clerk, U. S. District Court. Motions due 1/15/14. Responses due 1/22/14. Motion Hearing on any motions set for 2/3/14 at 9:30 am in Greensboro, N.C. Plea Agreements, if any, due no later than 12:00 noon 1/30/14. Change of Plea Hearing at 9:30 a.m. on 2/3/14, in Greensboro, N.C. Counsel to notify U.S. Attorneys Office of any scheduling conflicts no later than 1/27/14. Jury Trial set for 2/10/14 at 9:30 am in Greensboro, N.C. unless otherwise instructed by the Court. Distributed on 01/02/14. (Garrett, Kim) (Entered: 01/02/2014)
01/03/2014	<u>9</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEAKE on 1/2/2014, granting Government's Oral Motion for Detention without prejudice to Defendant moving to reopen these proceedings if he able to present a potential release plan for consideration by the Court as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 01/03/2014)
01/15/2014	<u>10</u>	MOTION for Extension of Time To File Motion Pretrial Motions until January 22, 2014 by BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(PLACKE, ERIC) (Entered: 01/15/2014)

01/17/2014		Motion Submission as to BRIAN DAVID HILL re <u>10</u> MOTION for Extension of Time To File Motion Pretrial Motions until January 22, 2014 to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 01/17/2014)
01/17/2014	<u>11</u>	ORDER signed by JUDGE CATHERINE C. EAGLES on 1/17/2014; the pretrial motion deadline in this case is hereby extended until Wednesday, January 22, 2014. The deadline for responses is hereby extended until Wednesday, January 29, 2014. The Court finds that the ends of justice are best served by granting this extension, and that they outweigh the interest of the public and the Defendant in a speedy trial. Accordingly, the delay occasioned by the granting of this extension shall be excluded in computing the time within which the trial of any such offense must commence. See Title 18, United States Code, Section 3161(h)(7). (Sheets, Jamie) (Entered: 01/17/2014)
01/22/2014	<u>12</u>	MOTION for Psychiatric Exam – SEALED by USA, BRIAN DAVID HILL as to BRIAN DAVID HILL. Responses due by 2/18/2014 (Attachments: # <u>1</u> Text of Proposed Order)(PLACKE, ERIC) (Entered: 01/22/2014)
01/23/2014		Motion Submission as to BRIAN DAVID HILL re <u>12</u> MOTION for Psychiatric Exam – SEALED to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 01/23/2014)
01/23/2014	<u>13</u>	SEALED ORDER re: <u>12</u> Motion for Psychiatric Exam – SEALED filed by BRIAN DAVID HILL. Signed by JUDGE CATHERINE C. EAGLES on 1/23/2014. (Daniel, J) (Entered: 01/23/2014)
02/18/2014	<u>14</u>	SEALED ORDER . Signed by JUDGE CATHERINE C. EAGLES on 2/18/2014. (Daniel, J) (Entered: 02/19/2014)
04/21/2014	<u>15</u>	MOTION to Suppress Confession by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/23/2014)
04/21/2014	<u>16</u>	MOTION to Suppress Evidence by BRIAN DAVID HILL. (Attachments: # <u>1</u> Letter from Defendant, # <u>2</u> Envelope)(Daniel, J) (Entered: 04/23/2014)
05/08/2014	<u>17</u>	Psychiatric Report Received SEALED as to BRIAN DAVID HILL. (Daniel, J) (Entered: 05/08/2014)
06/04/2014		Minute Entry for proceedings held before JUDGE N. C. TILLEY, JR: AUSA Anand Ramaswamy appeared on behalf of the Government. FAFPD Eric Placke appeared as counsel for the defendant. Status Conference as to BRIAN DAVID HILL held on 6/4/2014. Defendant did not state a basis to support the Pro Se Motions to Suppress, therefore the court denied the Motions. The Court denies Pro Se Motion to Substitute Counsel. Jury Trial set for 6/9/2014 before Judge Osteen, Jr., Courtroom No. 1, Greensboro, NC. (Court Reporter Jane Calhoun.) (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014		ORAL ORDER denying <u>15</u> Motion to Suppress as to BRIAN DAVID HILL (1); denying <u>16</u> Motion to Suppress as to BRIAN DAVID HILL (1) by JUDGE N. C. TILLEY, JR on 6/4/2014. See 6/4/2014 Minute Entry. (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014		Set Hearing as to BRIAN DAVID HILL Jury Trial set for 6/9/2014 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR.. (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014		Case as to BRIAN DAVID HILL assigned to Judge CHIEF JUDGE WILLIAM L. OSTEEN JR. (Winchester, Robin) (Entered: 06/04/2014)
06/04/2014	<u>18</u>	MOTION to Continue Trial by BRIAN DAVID HILL. Responses due by 6/30/2014 (Attachments: # <u>1</u> Text of Proposed Order)(PLACKE, ERIC) (Entered: 06/04/2014)
06/05/2014		TEXT ORDER – The case of <u>United States v. Brian David Hill</u> was originally set for plea or trial during the June, 2014 Criminal Term. On June 4, 2014, a status conference was held, and following the status conference, this matter was set for trial beginning June 9, 2014, in Courtroom 1, apparently without objection. Later on June 4, 2014, counsel for Defendant filed a motion to continue. In light of the exceptional family circumstances described in the motion to continue, this court will continue jury selection and trial from June 9 to June 10 beginning at 11:00. If additional time is

		required to allow counsel and Defendant time to prepare for trial, the court will consider a request on June 10 to delay the start of the evidence until Wednesday, June 11, 2014. However, a further continuance to another term of court does not appear necessary in light of the fact counsel's motion suggests the requested delay is primarily for the purpose of allowing consultation between counsel and Defendant as to the court's rulings and to permit further plea discussions. Notably, the motion does not specifically identify any necessary trial preparation. [Issued by CHIEF JUDGE WILLIAM L. OSTEEN, JR., on 6/5/2014.] (Cable, Frances) (Entered: 06/05/2014)
06/10/2014	<u>19</u>	Factual Basis Document as to BRIAN DAVID HILL filed on 6/10/2014 (Welch, Kelly) (Entered: 06/10/2014)
06/10/2014	<u>20</u>	PLEA AGREEMENT as to BRIAN DAVID HILL (Welch, Kelly) (Entered: 06/10/2014)
06/10/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN JR. in G-1: CHANGE OF PLEA HEARING held on 6/10/2014. AUSA Anand Ramaswamy present on behalf of the Government. FAFPD Eric Placke present on behalf of the Defendant. Defendant present in custody. Defendant placed under oath and advised of rights/charges/penalties; Court reviews the plea agreement; BRIAN DAVID HILL (1) pleads GUILTY to Count 1. Court finds the Defendant is competent to enter a guilty plea; plea accepted and defendant adjudged GUILTY; Court orders the preparation of a Presentence Report, to be expedited. Court orders a psychosexual evaluation; (Sentencing set for 9/30/2014 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR.) (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 06/10/2014)
08/11/2014	<u>21</u>	SEALED Draft Presentence Investigation Report as to BRIAN DAVID HILL. Per LCrR32.2, the parties shall notify the probation officer of initial objections or corrections/modifications to the presentence report by 8/25/2014. Pleadings related to sentencing factors are due by 9/2/2014. (Whitten, Dana) (Entered: 08/11/2014)
08/19/2014	<u>22</u>	SEALED Response to Draft PSR – NOTICE TO PROBATION AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL. (RAMASWAMY, ANAND) (Entered: 08/19/2014)
08/21/2014	<u>23</u>	Psychiatric Report Received SEALED dated 8/5/2014 in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 08/21/2014)
08/25/2014	<u>24</u>	SEALED Response to Draft PSR – NOTICE TO PROBATION AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL. (PLACKE, ERIC) (Entered: 08/25/2014)
08/27/2014	<u>25</u>	SEALED MOTION to Withdraw as Counsel of Record and to Extend Deadline for Filing Sentencing Position Papers by BRIAN DAVID HILL as to BRIAN DAVID HILL. Responses due by 9/22/2014 (Attachments: # <u>1</u> Exhibit)(PLACKE, ERIC) (Entered: 08/27/2014)
09/02/2014	<u>26</u>	(SEALED) POSITION PAPER RE SENTENCING FACTORS – NOTICE TO THE COURT AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL (PLACKE, ERIC) (Entered: 09/02/2014)
09/02/2014	<u>27</u>	MOTION filed by BRIAN DAVID HILL to Withdraw Guilty Plea. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/03/2014)
09/03/2014	<u>28</u>	FACTUAL STATEMENT of BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/03/2014)
09/03/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN JR. in G-1: Motion Hearing as to BRIAN DAVID HILL held on 9/3/2014. AUSA Nick Matkins appeared on behalf of the Government. FAFPD Eric Placke appeared on behalf of the Defendant. For the reasons stated in the record the Court denied <u>25</u> SEALED Motion, and as a result of the denial of the motion, the Court finds the motion for extension of time to file sentencing pleadings is moot and therefore denied. (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 09/04/2014)
09/09/2014	<u>29</u>	MOTION filed by BRIAN DAVID HILL to file more evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/09/2014)

09/10/2014	<u>30</u>	SUPPLEMENT filed by BRIAN DAVID HILL re: <u>29</u> MOTION to file more evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/10/2014)
09/10/2014	<u>31</u>	Additional Attachments to <u>30</u> Supplement. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/10/2014)
09/15/2014	<u>32</u>	MOTION by BRIAN DAVID HILL to file Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/15/2014)
09/16/2014		Motion Submission as to BRIAN DAVID HILL re <u>29</u> MOTION to file more evidence, <u>27</u> MOTION to Withdraw Plea of Guilty, <u>32</u> MOTION to file evidence to CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 09/16/2014)
09/16/2014	<u>33</u>	SEALED PRESENTENCE INVESTIGATION REPORT – FINAL as to BRIAN DAVID HILL. (Whitten, Dana) (Entered: 09/16/2014)
09/18/2014	<u>34</u>	MOTION to File Evidence filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Presidential Pardon Application, # <u>2</u> Envelope) (Sheets, Jamie) (Entered: 09/18/2014)
09/18/2014	<u>35</u>	MOTION entitled "Motion of Discovery" (Case files) filed by BRIAN DAVID HILL. (Sheets, Jamie) (Entered: 09/18/2014)
09/18/2014	<u>36</u>	MOTION entitled "Motion of Discovery" (forensic computer examination) filed by BRIAN DAVID HILL. (Sheets, Jamie) (Entered: 09/18/2014)
09/18/2014	<u>37</u>	MOTION entitled "Motion to File Evidence" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Sheets, Jamie) (Entered: 09/18/2014)
09/22/2014	<u>38</u>	MOTION filed by BRIAN DAVID HILL of Evidence and Notification. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/23/2014)
09/23/2014	<u>39</u>	MOTION filed by BRIAN DAVID HILL for Substitution of Counsel. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/23/2014)
09/23/2014	<u>40</u>	MOTION filed by BRIAN DAVID HILL of Notification. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/23/2014)
09/26/2014	<u>41</u>	MOTION by BRIAN DAVID HILL to Declare. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>42</u>	MOTION by BRIAN DAVID HILL to Suppress Evidence & Suppress the Confession. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>43</u>	MOTION by BRIAN DAVID HILL to Withdraw Guilty Plea and Request a Trial. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>44</u>	MOTION by BRIAN DAVID HILL to Testify. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/26/2014	<u>45</u>	MOTION by BRIAN DAVID HILL to file Last Minute Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 09/26/2014)
09/30/2014	<u>46</u>	DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes. (Attachments: # <u>1</u> Envelope)(Welch, Kelly) (Entered: 09/30/2014)
09/30/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN JR. in G-1: Case called for Sentencing as to BRIAN DAVID HILL on 9/30/2014; AUSA Anand Ramaswamy appeared on behalf of the Government. FAFPD Eric Placke appeared on behalf of the Defendant. Defendant present in custody. In light of Defendants pro se statements, Court allows FAFPD Placke to withdraw as counsel of record; Court to appoint substitute counsel; Court ordered all discovery material previously provided by the United States to be sealed and can only be viewed by substitute counsel; FAFPD Placke returned discovery material to AUSA Ramaswamy at the conclusion of this hearing; Court ordered Government to subpoena Susan Basko to appear at the sentencing hearing (see pleading <u>46</u>); Court continued sentencing in this matter to 11/7/2014 at 3:00 p.m. in Greensboro, Courtroom 1; Status Conference set for 10/15/2014 at 2:00 p.m. (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 09/30/2014)

09/30/2014		Set Hearings as to BRIAN DAVID HILL: Sentencing <u>reset</u> for 11/7/2014 03:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. Status Conference set for 10/15/2014 02:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 09/30/2014)
10/01/2014	<u>47</u>	CJA 20 Appointment of Attorney JOHN SCOTT COALTER for BRIAN DAVID HILL. NOTICE: Pursuant to 18 U.S.C. section 3006A(d)(4), approved CJA voucher forms will be posted to CM/ECF. Appointed counsel is responsible for requesting redactions to information contained within CJA vouchers. Signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 10/1/2014. (Attachments: # <u>1</u> CJA 20 Worksheets) (Daniel, J) (Entered: 10/01/2014)
10/06/2014	<u>48</u>	MOTION by BRIAN DAVID HILL to File Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/06/2014	<u>49</u>	MOTION by BRIAN DAVID HILL to File Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/07/2014	<u>50</u>	MOTION by BRIAN DAVID HILL to File Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/07/2014	<u>51</u>	MOTION by BRIAN DAVID HILL to File Evidence. Responses due by 10/31/2014 (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 10/07/2014)
10/15/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN JR. in G-1:Status Conference as to BRIAN DAVID HILL held on 10/15/2014. AUSA Anand Ramaswamy appeared on behalf of the Government. Attorney Scott Coalter appeared on behalf of the Defendant. Court addressed the status of this case with the parties; Defense counsel advised Mr. Hill doesn't want to withdraw his guilty plea and that he would be prepared to proceed with sentencing on 11/07/2014; Court allowed defendant until 10/27/2014 to file pleadings; Government's responses due 11/04/2014; (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 10/15/2014)
10/24/2014	<u>52</u>	(SEALED) POSITION PAPER RE SENTENCING FACTORS – NOTICE TO THE COURT AND OPPOSING COUNSEL ONLY as to BRIAN DAVID HILL (COALTER, JOHN) (Entered: 10/24/2014)
10/29/2014	<u>53</u>	NOTICE by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Sheets, Jamie) (Entered: 10/29/2014)
11/10/2014		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN JR. in G-1: Sentencing hearing as to BRIAN DAVID HILL held on 11/10/2014. AUSA Kyle Pousson appeared on behalf of the Government. Attorney Scott Coalter appeared on behalf of the Defendant. Defendant present in custody. For the reasons stated on the record, Court denied all pending pro se motions. (Court Reporter Joseph Armstrong.) (Welch, Kelly) (Entered: 11/10/2014)
11/10/2014		ORAL ORDER denying Pro se Motions; Documents <u>27</u> , <u>29</u> , <u>32</u> , <u>34</u> , <u>35</u> , <u>36</u> , <u>38</u> , <u>41</u> , <u>42</u> , <u>43</u> , <u>44</u> , <u>45</u> , <u>48</u> , <u>49</u> , <u>50</u> and <u>51</u> as to BRIAN DAVID HILL (1). Issued by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 11/10/14. (See Minute Entry on 11/10/2014.) (Welch, Kelly) (Entered: 11/10/2014)
11/12/2014	<u>54</u>	JUDGMENT as to BRIAN DAVID HILL (1), Count(s) 1, Ten (10) months and twenty (20) days imprisonment, but not less than time served; ten (10) years supervised release; \$100.00 special assessment. Signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 11/12/2014. (Daniel, J) (Entered: 11/12/2014)
01/12/2015	<u>55</u>	MOTION filed by BRIAN DAVID HILL for Extension of Time to file Notice of Appeal. (Attachments: # <u>1</u> Notice of Appeal, # <u>2</u> Complaint, # <u>3</u> Additional Evidence, # <u>4</u> Envelope)(Daniel, J) (Entered: 01/13/2015)
01/13/2015		Motion Submission as to BRIAN DAVID HILL re <u>55</u> MOTION for Extension of Time to File Notice of Appeal to CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 01/13/2015)

01/15/2015	<u>56</u>	NOTICE filed by BRIAN DAVID HILL of Motion to Extend Time to file Appeal. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/15/2015)
01/16/2015	<u>57</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 1/16/2015; that Defendant's pro se Motion to Extend Time to File Appeal (Doc. <u>55</u>) is DENIED . (Sheets, Jamie) (Entered: 01/16/2015)
01/26/2015	<u>58</u>	MOTION by BRIAN DAVID HILL to Stay Judgment. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)
01/26/2015	<u>59</u>	MOTION by BRIAN DAVID HILL to Request a Delay on Destruction of Property. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)
01/26/2015	<u>60</u>	New Evidence by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)
01/26/2015	<u>61</u>	New Evidence Brief by BRIAN DAVID HILL re: <u>60</u> New Evidence. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/26/2015)
01/29/2015	<u>62</u>	NOTICE OF APPEAL without payment of fees filed by BRIAN DAVID HILL re: <u>54</u> Judgment and <u>57</u> Order. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 01/29/2015)
01/29/2015	<u>63</u>	Transmission of Notice of Appeal and Docket Sheet as to BRIAN DAVID HILL to US Court of Appeals re: <u>62</u> Notice of Appeal Without Fee Payment. (Daniel, J) (Entered: 01/29/2015)
01/30/2015	<u>64</u>	NOTICE of Docketing Appeal from USCA as to BRIAN DAVID HILL re: <u>62</u> Notice of Appeal Without Fee Payment. USCA Case Mgr. Cathi Bennett; USCA Case Number 15-4057. (Daniel, J) (Entered: 01/30/2015)
02/02/2015	<u>65</u>	REQUEST by BRIAN DAVID HILL for Transcript. (Attachments: # <u>1</u> CJA 24 & Letter to Court Reporter, # <u>2</u> Envelope)(Daniel, J) (Entered: 02/03/2015)
02/02/2015	<u>66</u>	REQUEST by BRIAN DAVID HILL for Transcripts. (Attachments: # <u>1</u> CJA 24(s))(Daniel, J) (Entered: 02/03/2015)
02/03/2015	<u>67</u>	CJA 20 as to BRIAN DAVID HILL Authorization to Pay John S. Coalter in the amount of \$4,680.48, Voucher #141216000106. Signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 12/30/2014. (Daniel, J) (Entered: 02/03/2015)
02/03/2015	<u>68</u>	SEALED Attachments to <u>67</u> CJA 20 – Authorization to Pay in case as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 02/03/2015)
02/05/2015	<u>69</u>	USCA ORDER appointing Mark A. Jones as counsel for BRIAN DAVID HILL re: <u>62</u> Notice of Appeal Without Fee Payment. USCA Case #15-4057. (Daniel, J) (Entered: 02/06/2015)
03/30/2015	<u>70</u>	Letter/MOTION by BRIAN DAVID HILL for certified copies of all documents or information including all SEALED documents for this case. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 03/30/2015)
04/03/2015	<u>71</u>	New Evidence for a New Trial, Habeas Corpus Petition (2255 Motion), Judgment of Acquittal, to overturn the conviction, or any other purpose filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Envelope)(Daniel, J) (Entered: 04/07/2015)
04/06/2015	<u>72</u>	Correction to New Evidence for a New Trial, Habeas Corpus Petition (2255 Motion), Judgment of Acquittal, to overturn the conviction, or any other purpose filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Additional attachment(s) added on 4/7/2015: # <u>2</u> Affidavit of Brian David Hill) (Daniel, J). (Entered: 04/07/2015)
04/06/2015	<u>73</u>	Additional Evidence for a New Trial, Habeas Corpus Petition (2255 Motion), Judgment of Acquittal, to overturn the conviction, or any other purpose filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/07/2015)
04/07/2015	<u>74</u>	USCA OPINION affirming in part; dismissed in part in case as to BRIAN DAVID HILL. USCA Case #15-4057. (Daniel, J) (Entered: 04/07/2015)

04/07/2015	<u>75</u>	JUDGMENT of USCA. In accordance with the decision of this court, the judgment of the district court is affirmed in part. The appeal is dismissed in part. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41 in case as to BRIAN DAVID HILL. USCA Case #15-4057. (Daniel, J) (Entered: 04/07/2015)
04/13/2015		Motion Submission as to BRIAN DAVID HILL re <u>70</u> MOTION for certified copies of all documents or information including all SEALED documents, <u>58</u> MOTION to Stay, <u>59</u> MOTION to Request a Delay on Destruction of Property to CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 04/13/2015)
04/22/2015		Case as to BRIAN DAVID HILL referred to CHIEF JUDGE WILLIAM L. OSTEEN JR., re: Prob 12B. (Daniel, J) (Entered: 04/22/2015)
04/22/2015	<u>76</u>	MOTION by BRIAN DAVID HILL requesting computer forensic examination in preparation for a writ of habeas corpus. (Daniel, J) (Entered: 04/23/2015)
04/22/2015	<u>77</u>	DECLARATION by BRIAN DAVID HILL on conditions at the times of false admissions of guilt. (Daniel, J) (Entered: 04/23/2015)
04/23/2015	<u>78</u>	Letter to BRIAN DAVID HILL regarding proper filing of court documents. (Daniel, J) (Entered: 04/24/2015)
04/27/2015	<u>79</u>	LETTER to Judge filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>80</u>	MOTION by BRIAN DAVID HILL to Strike and Rule out Psychiatric Diagnosis. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Envelope)(Daniel, J) (Exhibit E replaced with correct image on 4/28/2015) (Daniel, J). (# <u>7</u> Exhibit F) (Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>81</u>	MOTION by BRIAN DAVID HILL requesting for Autism Expert Testimony in preparation for Writ of Habeas Corpus. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>82</u>	SECOND DECLARATION by BRIAN DAVID HILL on conditions at the times of false admissions of guilt. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>83</u>	EVIDENCE by BRIAN DAVID HILL of the fact IP Address 24.148.156.211 was well known to other people prior to it being flagged or manually entered in Boca Raton. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/27/2015	<u>84</u>	EVIDENCE by BRIAN DAVID HILL of first Joy Strickland email proving prior warning to NC SBI agent Rodney White on defendant's innocence. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Envelope)(Daniel, J) (Entered: 04/27/2015)
04/28/2015		Motion Submission as to BRIAN DAVID HILL re: <u>76</u> MOTION for Discovery, <u>80</u> MOTION to Strike, <u>81</u> MOTION Requesting Autism Expert Testimony in preparation for Writ of Habeas Corpus, to CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 04/28/2015)
04/29/2015	<u>85</u>	MANDATE of USCA. The judgment of this court, entered April 7, 2015, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure as to BRIAN DAVID HILL. USCA Case #15-4507. (Daniel, J) (Entered: 04/29/2015)
04/29/2015	<u>86</u>	Probation form 12B Petition for Modification of Conditions of Probation with Consent of the Offender as to BRIAN DAVID HILL. Signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 4/29/2015. (Daniel, J) (Entered: 04/29/2015)
04/29/2015	<u>87</u>	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 4/29/2015, that Defendant's pro se Motion to Stay Judgment (Doc. <u>58</u>), Motion to Request a Delay on Destruction of Property (Doc. <u>59</u>), Letter/Motion requesting certified copies of documents (Doc. <u>70</u>), Motion for Requesting Computer Forensic Examination (Doc. <u>76</u>), Motion to Strike and Rule out Psychiatric Diagnosis (Doc. <u>80</u>), and Motion for Requesting Autism Expert Testimony (Doc. <u>81</u>) are DENIED for lack of good cause as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 04/29/2015)

04/29/2015	<u>88</u>	ORDER FOR WARRANT as to BRIAN DAVID HILL. Signed by CHIEF JUDGE WILLIAM L. OSTEEN JR. on 4/29/2015. (Daniel, J) Modified on 5/27/2015 to unseal document (Garrett, Kim). (Entered: 04/29/2015)
04/29/2015	<u>89</u>	Warrant Issued SRV as to BRIAN DAVID HILL. (Daniel, J) Modified on 5/27/2015 to unseal document(Garrett, Kim). (Entered: 04/29/2015)
05/05/2015	<u>90</u>	USCA ORDER granting counsel's motion to withdraw in case as to BRIAN DAVID HILL. USCA Case #15-4057. (Daniel, J) (Entered: 05/05/2015)
05/28/2015		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEEAKE:Initial Appearance for Violators in case as to BRIAN DAVID HILL held on 5/28/2015. AUSA Randall Galyon. Proceedings recorded. (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015		Oral Motion Re: Detention by USA as to BRIAN DAVID HILL. (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>91</u>	SEALED FINANCIAL AFFIDAVIT by BRIAN DAVID HILL (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>92</u>	CJA 20 Appointment of Attorney RENORDA E. PRYOR for BRIAN DAVID HILL. NOTICE: Pursuant to 18 U.S.C. section 3006A(d)(4), approved CJA voucher forms will be posted to CM/ECF. Appointed counsel is responsible for requesting redactions to information contained within CJA vouchers. Signed by MAG/JUDGE JOI ELIZABETH PEEAKE on 05/28/15. (Attachments: # <u>1</u> CJA Worksheets) (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>93</u>	ORDER SCHEDULING DETENTION/PRELIMINARY REVOCATION HEARING as to BRIAN DAVID HILL Detention/Preliminary Revocation Hearing set for 6/4/2015 02:30 PM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEEAKE. Signed by MAG/JUDGE JOI ELIZABETH PEEAKE on 05/28/15. (Garrett, Kim) (Entered: 05/28/2015)
05/28/2015	<u>94</u>	SRV Warrant Returned Executed on 5/27/2015 in case as to BRIAN DAVID HILL. (Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>95</u>	Emergency MOTION by BRIAN DAVID HILL to Recuse Judge. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>96</u>	Emergency MOTION by BRIAN DAVID HILL for Private Counsel. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>97</u>	NOTICE by BRIAN DAVID HILL of Deteriorating Health. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
05/29/2015	<u>98</u>	DECLARATION on Probation Issue by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 05/29/2015)
06/01/2015	<u>100</u>	MOTION by BRIAN DAVID HILL for Case Dismissal. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/02/2015)
06/01/2015	<u>101</u>	DECLARATION by BRIAN DAVID HILL re: <u>100</u> Motion for Case Dismissal. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/02/2015)
06/02/2015	<u>99</u>	First MOTION to Continue <i>Detention and Preliminary Revocation Hearing</i> by BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(PRYOR, RENORDA) (Entered: 06/02/2015)
06/03/2015		Motions Referred: RE: <u>99</u> First MOTION to Continue <i>Detention and Preliminary Revocation Hearing</i> , to MAG/JUDGE JOI ELIZABETH PEEAKE (Garrett, Kim) (Entered: 06/03/2015)
06/03/2015	<u>102</u>	ORDER signed by MAG/JUDGE JOI ELIZABETH PEEAKE on 6/3/2015, that the Defendant's Motion to Continue (Doc. # <u>99</u>) is GRANTED, and the Detention and Preliminary Revocation Hearing is continued until 6/11/2015 in case as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 06/03/2015)

06/03/2015	<u>104</u>	DECLARATION by BRIAN DAVID HILL for Probable Cause hearing and any other purposes. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/04/2015)
06/04/2015	<u>103</u>	NOTICE OF HEARING as to BRIAN DAVID HILL: Final Hearing re Revocation of Supervised Release set for 6/25/2015 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 06/04/2015)
06/04/2015		Motion Submission as to BRIAN DAVID HILL re <u>95</u> MOTION for Recusal, <u>96</u> MOTION to Appoint Attorney, <u>100</u> MOTION to Dismiss to CHIEF JUDGE WILLIAM L. OSTEEN JR. (Welch, Kelly) (Entered: 06/04/2015)
06/05/2015		Reset Hearings as to BRIAN DAVID HILL: Detention/Preliminary Revocation Hearing set for 6/11/2015 02:30 PM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE. (Garrett, Kim) (Entered: 06/05/2015)
06/05/2015	<u>105</u>	LETTER by BRIAN DAVID HILL {Entitled "Opinion on Judge Osteen"}. (Attachments: # <u>1</u> Deft's Letter "Promise of Change following Reinstatement of Supervised Release", # <u>2</u> Envelope) (Daniel, J) (Entered: 06/08/2015)
06/08/2015		Case as to BRIAN DAVID HILL Reassigned to JUDGE THOMAS D. SCHROEDER. CHIEF JUDGE WILLIAM L. OSTEEN JR. no longer assigned to the case. (Powell, Gloria) (Entered: 06/08/2015)
06/08/2015	<u>106</u>	LETTER by BRIAN DAVID HILL {Entitled "Defendant Begs Probation Office"}. (Attachments: # <u>1</u> Deft's Letter "Health Deterioration Report #1/Week1", # <u>2</u> Envelope) (Daniel, J) (Entered: 06/08/2015)
06/09/2015	<u>107</u>	NOTICE of Rescheduling: Final Revocation Hearing set for 6/30/2015 at 02:00 PM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Engle, Anita) (Main Document 107 replaced on 6/9/2015) (Engle, Anita). (Entered: 06/09/2015)
06/11/2015		Minute Entry for proceedings held before MAG/JUDGE JOI ELIZABETH PEAKE:PRELIMINARY REVOCATION AND DETENTION HEARING as to BRIAN DAVID HILL held on 6/11/2015. AUSA Drew Cochran. Attorney Renorda Pryor present with defendant. Evidence presented. Probable cause found. Defendant detained. Written order forthcoming. Proceedings recorded. (Garrett, Kim) (Entered: 06/11/2015)
06/15/2015	<u>108</u>	LETTER filed by BRIAN DAVID HILL {Entitled "Health Deterioration Report #2/Week 2"}. (Attachments: # <u>1</u> Envelope) (Daniel, J) (Entered: 06/15/2015)
06/16/2015	<u>109</u>	REQUEST by BRIAN DAVID HILL for Transcripts. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/16/2015)
06/17/2015	<u>110</u>	ORDER granting Oral Motion as to BRIAN DAVID HILL (1) signed by MAG/JUDGE JOI ELIZABETH PEAKE on 6/17/2015; that Defendant be held in custody until the final revocation hearing in this matter. (Sheets, Jamie) (Entered: 06/17/2015)
06/18/2015	<u>111</u>	REQUEST by BRIAN DAVID HILL {Entitled "Request for Expediation of Revocation Hearing – Emergency Request/Motion"}. (Attachments: # <u>1</u> Complaint, # <u>2</u> Envelope)(Daniel, J) (Entered: 06/19/2015)
06/18/2015	<u>112</u>	DECLARATION filed by BRIAN DAVID HILL {Entitled "Declaration of Suffering and Recommendation for Release to Mental Hospital Pending Further Proceedings – Motion (Petition)"}. (Attachments: # <u>1</u> Envelope)(Daniel, J) (Entered: 06/19/2015)
06/24/2015	<u>113</u>	TRANSCRIPT of Plea as to BRIAN DAVID HILL for dates of 06/10/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter

		before the 90 day deadline. After that date it may be obtained through PACER. Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)
06/24/2015	<u>114</u>	TRANSCRIPT of Motion Hearing as to BRIAN DAVID HILL for dates of 09/03/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)
06/24/2015	<u>115</u>	TRANSCRIPT of Hearing as to BRIAN DAVID HILL for dates of 09/30/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)
06/24/2015	<u>116</u>	TRANSCRIPT of Status Conference as to BRIAN DAVID HILL for dates of 10/15/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)
06/24/2015	<u>117</u>	TRANSCRIPT of Sentencing as to BRIAN DAVID HILL for dates of 11/10/2014 before Judge William L. Osteen, Jr., Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.

		<p>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</p> <p>Redaction Request due 7/20/2015. Redacted Transcript Deadline set for 7/30/2015. Release of Transcript Restriction set for 9/25/2015. (Armstrong, Joe) (Entered: 06/24/2015)</p>
06/30/2015		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to BRIAN DAVID HILL held on 6/30/2015. Matter is contested. The Defendant denies violations and evidence is presented (see witness and exhibit list). The Court finds the Defendant in violation and continues the Defendant on supervision. Defendant withdraws all Pro se filings filed prior to 6/30/2015 hearing. Defendant is in the custody of the United States Marshal. AUSA Anand Ramaswamy appeared on behalf of the Government. Attorney Renorda Pryor appeared as counsel for the Defendant. (Court Reporter Briana Nesbit.) (Engle, Anita) (Entered: 07/01/2015)
07/01/2015		TEXT ORDER by JUDGE THOMAS D. SCHROEDER on 7/1/2015 as to BRIAN DAVID HILL. Defendant withdraws all Pro se filings filed prior to the 6/30/2015 Supervised Release Violation Hearing including <u>97</u> Notice—Other filed by BRIAN DAVID HILL, <u>104</u> Declaration filed by BRIAN DAVID HILL, <u>108</u> Letter filed by BRIAN DAVID HILL, <u>111</u> Request filed by BRIAN DAVID HILL, <u>98</u> Declaration, <u>106</u> Letter filed by BRIAN DAVID HILL, <u>112</u> Declaration, <u>105</u> Letter filed by BRIAN DAVID HILL, and <u>109</u> Request filed by BRIAN DAVID HILL. All motions are denied as moot (see 6/30/2015 Minute Entry). (Engle, Anita) Docket Entry Modified on 7/8/2015 (Kemp, Donita). (Entered: 07/01/2015)
07/01/2015	<u>118</u>	***FILED IN ERROR*** OPINION filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/01/2015	<u>119</u>	***FILED IN ERROR*** DIABETIC SEIZURE REPORT #1 filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope) (Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/01/2015	<u>120</u>	***FILED IN ERROR*** EMERGENCY MOTION filed by BRIAN DAVID HILL for Autism Expert for Revocation Hearing. (Attachments: # <u>1</u> Envelope)(Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/01/2015	<u>121</u>	***FILED IN ERROR*** NOTICE filed by BRIAN DAVID HILL of Recanting Testimonial Statement. (Attachments: # <u>1</u> Letters)(Daniel, J) Modified on 7/2/2015 to reflect filed in error. (Entered: 07/01/2015)
07/02/2015		NOTICE of Docket Text/Event Modification as to defendant BRIAN DAVID HILL re: <u>118</u> OPINION, <u>119</u> DIABETIC SEIZURE REPORT #1, <u>120</u> EMERGENCY MOTION for Autism Expert for Revocation Hearing, <u>121</u> NOTICE of Recanting Testimonial Statement removed from the docket and released to the Defendant's attorney. (Daniel, J) (Entered: 07/02/2015)
07/24/2015	<u>122</u>	ORDER Supervised Release Violation Hearing signed by JUDGE THOMAS D. SCHROEDER on 7/23/2015. Defendant's supervised release is not revoked and the Defendant is to remain on supervised release. The Defendant shall participate in a cognitive behavioral treatment program and location monitoring home detention program as set out herein. All other terms and conditions of supervised release as previously imposed remain in full force and effect in case as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 07/24/2015)
08/21/2015	<u>123</u>	TRANSCRIPT of Proceedings as to BRIAN DAVID HILL SRV hearing for dates of 6/30/2015 before Judge Thomas D. Schroeder, Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.

		<p>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.</p> <p>Redaction Request due 9/14/2015. Redacted Transcript Deadline set for 9/24/2015. Release of Transcript Restriction set for 11/23/2015. (Nesbit, Brianna) (Entered: 08/21/2015)</p>
08/28/2015		Case as to BRIAN DAVID HILL referred to CHIEF JUDGE WILLIAM L. OSTEEN, JR. RE: PROB 12A. (Israel, Lisa) (Entered: 08/28/2015)
09/01/2015		Case as to BRIAN DAVID HILL referred to JUDGE THOMAS D. SCHROEDER RE: PROB 12A. (Israel, Lisa) (Entered: 09/01/2015)
09/04/2015	<u>124</u>	PROBATION PETITION/ORDER adopting the Recommendation(s) of the Probation Officer in case as to BRIAN DAVID HILL. Signed by JUDGE THOMAS D. SCHROEDER on 9/2/2015. (Sheets, Jamie) (Entered: 09/04/2015)
09/22/2015		Case as to BRIAN DAVID HILL referred to JUDGE THOMAS D. SCHROEDER re: Prob 22. (Daniel, J) (Entered: 09/22/2015)
11/14/2017	<u>125</u>	MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope)(Taylor, Abby) Civil case 1:17-cv-01036-TDS opened. (Entered: 11/14/2017)
11/14/2017	<u>126</u>	MOTION/APPLICATION for IFP by BRIAN DAVID HILL. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>127</u>	NOTICE by BRIAN DAVID HILL re <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>128</u>	MEMORANDUM by BRIAN DAVID HILL re <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Additional Attachments, # <u>2</u> Additional attachments)(Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>129</u>	DECLARATION by BRIAN DAVID HILL re <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>130</u>	SECOND DECLARATION by BRIAN DAVID HILL re <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/14/2017)
11/14/2017	<u>131</u>	EXHIBITS 1–12 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) (Additional attachment(s) added on 11/15/2017: # <u>1</u> Envelope) (Taylor, Abby). (Entered: 11/15/2017)
11/14/2017	<u>132</u>	EXHIBITS 13–32 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/15/2017)
11/14/2017	<u>133</u>	EXHIBITS 33–45 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/15/2017)
11/14/2017	<u>134</u>	EXHIBITS 46–53 by BRIAN DAVID HILL re <u>128</u> Memorandum. Civil Case 1:17CV1036. (Taylor, Abby) Modified on 11/16/2017, Exhibit no. 49 Stricken, see <u>135</u> Order. (Taylor, Abby). (Entered: 11/15/2017)
11/15/2017		CASE REFERRED for Screening <u>126</u> MOTION/APPLICATION for IFP, <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) (Taylor, Abby) (Entered: 11/15/2017)
11/16/2017	<u>135</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 11/16/2017, that Petitioner's Application (Docket Entry <u>126</u>) to proceed in forma pauperis is denied, that Exhibit 49 as contained in Docket Entry <u>134</u> is stricken and will be removed from the record,

		and that the United States Attorney is directed to file a Response to Petitioner's § 2255 Motion (Docket Entry <u>125</u>) within sixty (60) days from the date of the entry of this Order. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/16/2017)
11/16/2017		Set/Response Deadline in case as to BRIAN DAVID HILL <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255). Responses due by 1/15/2018. Civil Case 1:17CV1036. (Taylor, Abby) (Entered: 11/16/2017)
12/04/2017	<u>136</u>	DECLARATION entitled "Third Additional Evidence Declaration" filed by BRIAN DAVID HILL re <u>128</u> Memorandum. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Certificate of Service, # <u>6</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 12/06/2017)
12/04/2017	<u>137</u>	DECLARATION entitled "fifth Additional Evidence Declaration" filed by BRIAN DAVID HILL re <u>128</u> Memorandum. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Certificate of Service, # <u>9</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 12/06/2017)
12/04/2017	<u>138</u>	DECLARATION entitled "Redacted Fourth Additional Evidence Declaration", filed by BRIAN DAVID HILL re <u>128</u> Memorandum. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/07/2017)
12/04/2017	<u>139</u>	SEALED UNREDACTED DECLARATION entitled "Sealed Fourth Additional Evidence Declaration" filed BRIAN DAVID HILL. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/07/2017)
12/07/2017	<u>140</u>	MOTION to Seal entitled "Defendant's/Petitioner's Motion and Brief to File under Seal" re: <u>137</u> Fourth Additional Evidence Declaration, filed by BRIAN DAVID HILL. Response to Motion due by 12/28/2017 (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/07/2017)
01/10/2018	<u>141</u>	MOTION to Dismiss <i>Motion to Vacate, Set Aside, or Correct Sentence</i> by USA as to BRIAN DAVID HILL. Response to Motion due by 2/5/2018 (RAMASWAMY, ANAND) (Entered: 01/10/2018)
01/10/2018	<u>142</u>	Roseboro Letter regarding <u>141</u> Motion to Dismiss as to defendant BRIAN DAVID HILL. (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 01/10/2018)
01/26/2018	<u>143</u>	RESPONSE in Opposition to <u>141</u> MOTION to Dismiss <i>Motion to Vacate, Set Aside, or Correct Sentence</i> filed by BRIAN DAVID HILL. Replies due by 2/9/2018. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 01/26/2018)
02/12/2018		Motions Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>141</u> MOTION to Dismiss <i>Motion to Vacate, Set Aside, or Correct Sentence</i> , <u>140</u> MOTION to Seal, and <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255) (1:17CV1036). (Engle, Anita) (Entered: 02/12/2018)
03/07/2018	<u>144</u>	MOTION entitled "Petitioner's Motion and Brief for Leave to File Additional Evidence" filed by BRIAN DAVID HILL. Response to Motion due by 3/28/2018. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/07/2018)
03/07/2018	<u>145</u>	BRIEF entitled "Petitioner's Additional Evidence Brief in Opposition to "Motion to Dismiss Motion to Vacate, Set Aside, Or Correct Sentence" (Document #141) and in support to Petitioner's 2255 Motion (Document #125)" filed by BRIAN DAVID HILL re <u>141</u> Motion to Dismiss. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/07/2018)
03/09/2018	<u>146</u>	MOTION for Extension of Time To File Motion by USA as to BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(RAMASWAMY, ANAND) (Entered: 03/09/2018)
03/11/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>146</u> MOTION for Extension of Time To File Motion. (Engle, Anita) (Entered: 03/11/2018)
03/12/2018		TEXT ORDER granting <u>146</u> Motion for Extension of Time To File Response as to BRIAN DAVID HILL (1). The Government shall have up to and including March 23, 2018 to respond to Petition's Motion (D.E. #144, 145). Issued by MAG/JUDGE JOE

		L. WEBSTER on 3/12/2018. (Lee, Pedra) (Entered: 03/12/2018)
03/13/2018		Set <u>3/23/2018</u> Response Deadline in case as to BRIAN DAVID HILL re: (D.E. # <u>144</u> , <u>145</u>) MOTION & BRIEF for Leave to File Additional Evidence. Civil Action 1:17CV1036. (Daniel, J) (Entered: 03/13/2018)
03/15/2018	<u>147</u>	RESPONSE entitled "Petitioner's Response Brief in Support of "Government's Motion for Leave for Time to file Response" (Document <u>146</u>) with a few Objections in Opposition" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/15/2018)
03/23/2018	<u>148</u>	RESPONSE to Motion <i>AND BRIEF FOR LEAVE TO FILE ADDITIONAL EVIDENCE AND GOVERNMENTS MOTION FOR PRE-FILING INJUNCTION</i> filed by USA as to BRIAN DAVID HILL re <u>144</u> MOTION for Leave to File Replies due by 4/9/2018 (RAMASWAMY, ANAND) (Entered: 03/23/2018)
03/23/2018	<u>149</u>	MEMORANDUM by USA as to BRIAN DAVID HILL re <u>144</u> MOTION for Leave to File filed by BRIAN DAVID HILL (Attachments: # <u>1</u> Supplement, # <u>2</u> Supplement, # <u>3</u> Supplement, # <u>4</u> Supplement)(RAMASWAMY, ANAND) (Entered: 03/23/2018)
04/06/2018	<u>150</u>	REPLY TO RESPONSE to <u>144</u> MOTION for Leave to File entitled "Petitioner's Response Brief in Opposition to "Government's Response to "Motion and Brief for Leave to File Additional Evidence" and Government's Motion for Pre-Filing Injunction" (Document # <u>148</u>) and "Memorandum in support of Government's Motion for Pre-Filing Injunction" (Document # <u>149</u>)" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 04/09/2018)
04/10/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>144</u> MOTION entitled "Petitioner's Motion and Brief for Leave to File Additional Evidence." (1:17CV1036) (Engle, Anita) (Entered: 04/10/2018)
06/25/2018	<u>151</u>	MOTION entitled "Petitioner's Motion for requesting Psychological/Psychiatric Evaluation to Determine actual Innocence factor under False Confession element and to resolve the controversy/conflict between Government and Petitioner over "Delusional Disorder" filed by BRIAN DAVID HILL. Response to Motion due by 7/17/2018. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Supplement 4, # <u>5</u> Envelope – Front and Back) (Garland, Leah) (Entered: 06/26/2018)
06/27/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>151</u> MOTION entitled "Petitioner's Motion for requesting Psychological/Psychiatric Evaluation to Determine actual Innocence factor under False Confession element and to resolve the controversy/conflict between Government and Petitioner over "Delusional Disorder." (Engle, Anita) (Entered: 06/27/2018)
10/03/2018	<u>152</u>	STATUS REPORT by BRIAN DAVID HILL. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Envelope – Front and Back)(Taylor, Abby) (Entered: 10/03/2018)
10/17/2018	<u>153</u>	MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/18/2018)
10/19/2018		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>153</u> MOTION to Appoint Attorney and STATUS REPORT filed by BRIAN DAVID HILL. (1:17cv1036) (Engle, Anita) (Entered: 10/19/2018)
10/24/2018	<u>154</u>	MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. Response to Motion due by 11/16/2018. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/24/2018)
10/25/2018		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release." (Engle, Anita) (Entered: 10/25/2018)
10/29/2018	<u>155</u>	STATUS REPORT entitled "October 25, 2018 Status Report" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/29/2018)

11/13/2018	<u>156</u>	SEALED Statement of Reasons as to BRIAN DAVID HILL. (Bailey, Jeanne) (Entered: 11/13/2018)
11/13/2018	<u>157</u>	USPO PROB 12C – Offender Under Supervision as to BRIAN DAVID HILL. (Bailey, Jeanne) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/13/2018)
11/13/2018	<u>158</u>	SEALED USPO PROB 12C – Supplement Report as to BRIAN DAVID HILL (Attachments: # <u>1</u> Memo to Clerk) (Bailey, Jeanne) (Entered: 11/13/2018)
11/13/2018		Case Referred to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL, RE: <u>157</u> SEALED USPO PROB 12C – Offender Under Supervision and <u>158</u> SEALED USPO PROB 12C – Supplement Report. (Engle, Anita) (Entered: 11/13/2018)
11/13/2018	<u>159</u>	ORDER FOR WARRANT as to BRIAN DAVID HILL. Signed by CHIEF JUDGE THOMAS D. SCHROEDER on 11/13/2018. (Daniel, J) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/13/2018)
11/14/2018	<u>160</u>	Warrant Issued SRV as to BRIAN DAVID HILL. (Daniel, J) Modified on 5/15/2019 to unseal. (Daniel, J) (Entered: 11/14/2018)
11/29/2018	<u>161</u>	DECLARATION entitled "November 28, 2018 Status Report and Declaration of Brian David Hill in support of Doc. # <u>125</u> , # <u>128</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 11/30/2018)
11/30/2018	<u>162</u>	NOTICE entitled "Status Report of Brian David Hill – November 27, 2018" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 11/30/2018)
12/12/2018	<u>163</u>	DECLARATION of BRIAN DAVID HILL filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 12/12/2018)
12/13/2018	<u>164</u>	AMENDED DECLARATION of BRIAN DAVID HILL entitled "Declaration of Brian David Hill in support of continuing Supervised Release, towards innocence of case" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back)(Garland, Leah) (Entered: 12/13/2018)
12/21/2018	<u>165</u>	MOTION to Dismiss (Entitled: Motion for Summary Judgment or Case Dismissal of Supervised Release Violation) by BRIAN DAVID HILL. Response to Motion due by 1/9/2019. Civil Case 1:17CV1036. (Attachments: # <u>1</u> Envelope – Front and Back)(Taylor, Abby) (Entered: 12/26/2018)
12/24/2018		Arrest of BRIAN DAVID HILL in the WESTERN DISTRICT OF VIRGINIA. (Daniel, J) (Entered: 05/15/2019)
12/27/2018		Motion No Longer Submitted to CHIEF JUDGE THOMAS D. SCHROEDER: <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 12/27/2018)
12/27/2018		Motions Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>165</u> MOTION to Dismiss, (Entitled: Motion for Summary Judgment or Case Dismissal of Supervised Release Violation), and <u>154</u> MOTION entitled "Petitioner asks Court to continue Supervised Release" filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 12/27/2018)
01/09/2019	<u>166</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/09/2019)
01/17/2019	<u>167</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/17/2019)
01/24/2019	<u>168</u>	LETTER MOTION for Certified Copies filed by BRIAN DAVID HILL. Response to Motion due by 2/14/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/24/2019)
01/25/2019		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>168</u> LETTER MOTION for Certified Copies filed by BRIAN DAVID HILL. (Engle, Anita) (Entered: 01/25/2019)

01/30/2019	<u>169</u>	MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. Responses due by 2/20/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 01/30/2019)
01/30/2019		Motion Referred to MAG/JUDGE JOE L. WEBSTER RE: <u>169</u> MOTION for Hearing and for Appointment for Counsel filed by BRIAN DAVID HILL. (1:17CV1036) (Engle, Anita) (Entered: 01/30/2019)
03/01/2019	<u>170</u>	EXHIBIT to <u>125</u> MOTION to Vacate, Set Aside or Correct Sentence (pursuant to 28 U.S.C. 2255), by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 03/04/2019)
03/13/2019	<u>171</u>	BRIEF/MEMORANDUM entitled "Brief/Memorandum of Law on Rule 11 Plea in support of 2255 Motion (Doc. # <u>125</u>) and 2255 Brief (Doc. # <u>128</u>)" filed by BRIAN DAVID HILL to <u>128</u> Memorandum, <u>125</u> Motion to Vacate/Set Aside/Correct Sentence (2255) filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Supplement 3, # <u>4</u> Supplement 4, # <u>5</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 03/13/2019)
03/28/2019	<u>172</u>	DECLARATION entitled "Declaration of Brian David Hill in opposition to charge under documents <u>156</u> , <u>157</u> , and <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 03/28/2019)
04/11/2019	<u>173</u>	DECLARATION entitled "Declaration of Brian David Hill in Opposition to Government's Documents <u>156</u> , <u>157</u> , and <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) (Entered: 04/11/2019)
05/03/2019	<u>174</u>	DECLARATION of BRIAN DAVID HILL entitled "Declaration of Brian David Hill in Opposition to Government's charging documents # <u>156</u> , # <u>157</u> , and # <u>158</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 05/03/2019)
05/03/2019	<u>175</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 05/03/2019)
05/15/2019	<u>176</u>	Rule 32.1 Documents Received from the WESTERN DISTRICT OF VIRGINIA as to BRIAN DAVID HILL. (Attachments: # <u>1</u> WDVA Competency/Detention Minutes, # <u>2</u> WDVA Order Setting Conditions of Release, # <u>3</u> WDVA Appearance Bond, # <u>4</u> WDVA Waiver of Rule 32.1 Hearings, # <u>5</u> WDVA Docket Sheet) (Daniel, J) Modified on 6/26/2019 to correct typo. (Engle, Anita) (Entered: 05/15/2019)
06/24/2019	<u>177</u>	NOTICE OF CHANGE OF ADDRESS filed by BRIAN DAVID HILL. Address updated on docket sheet. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/24/2019	<u>178</u>	DECLARATION entitled "Evidence Declaration of Brian David Hill regarding State Pro Se Motion in Opposition to Government's/Respondent's Document #156, #157, and #158" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/24/2019	<u>179</u>	DECLARATION entitled "June 21, 2019 Declaration of Brian David Hill in Opposition to Government's/Respondent's Documents #156, #157, and #158" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 06/25/2019)
06/26/2019		Case Referred to MAGISTRATE JUDGE L. PATRICK AULD as to BRIAN DAVID HILL, RE: Appointment of Counsel. (Engle, Anita) (Entered: 06/26/2019)
06/26/2019		Attorney update in case as to BRIAN DAVID HILL. RENORDA E. PRYOR for BRIAN DAVID HILL added pending review of Financial Affidavit. (O'Doherty, Sinead) (Entered: 06/26/2019)
06/26/2019	<u>180</u>	NOTICE OF HEARING as to BRIAN DAVID HILL. Final Hearing re Revocation of Supervised Release set for 8/9/2019 at 02:00 PM in Winston–Salem Courtroom #2 before CHIEF JUDGE THOMAS D. SCHROEDER. (Engle, Anita) (Main Document 180 replaced on 6/27/2019) (Engle, Anita). (Entered: 06/26/2019)

06/26/2019		Attorney update in case as to BRIAN DAVID HILL. (Engle, Anita) (Entered: 06/26/2019)
07/22/2019	<u>181</u>	DECLARATION entitled "Evidence Declaration of Brian David Hill Regarding Carbon Monoxide and Letgter to Martinsville Police Chief in Opposition to Government's/Respondent's Documents # <u>156</u> , # <u>157</u> , # <u>158</u> , # <u>159</u> , and # <u>160</u> " filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Exhibit 0, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Envelope – Front and Back) (Garland, Leah) (Entered: 07/22/2019)
07/22/2019	<u>182</u>	MOTION to Continue <i>Revocation of Supervised Release Hearing</i> by BRIAN DAVID HILL. (Attachments: # <u>1</u> Text of Proposed Order)(PRYOR, RENORDA) (Entered: 07/22/2019)
07/23/2019		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>182</u> MOTION to Continue <i>Revocation of Supervised Release Hearing</i> . (Engle, Anita) (Entered: 07/23/2019)
07/23/2019	<u>183</u>	ORDER as to BRIAN DAVID HILL signed by CHIEF JUDGE THOMAS D. SCHROEDER on 7/23/2019; that the Defendant's motion for a continuance is GRANTED, and the Defendant's supervised release violation hearing is rescheduled to September 12, 2019, at 2:00 p.m. in Courtroom 2 in Winston–Salem, North Carolina. (Sheets, Jamie) (Entered: 07/23/2019)
07/23/2019		Reset Hearings as to BRIAN DAVID HILL: Final Hearing re Revocation of Supervised Release set for 9/12/2019 at 02:00 PM in Winston–Salem Courtroom #2 before CHIEF JUDGE THOMAS D. SCHROEDER. (Sheets, Jamie) (Entered: 07/23/2019)
07/23/2019	<u>184</u>	NOTICE OF ATTORNEY APPEARANCE JOHN M. ALSUP appearing for USA. (ALSUP, JOHN) (Entered: 07/23/2019)
08/16/2019	<u>185</u>	SRV Arrest Warrant Returned Executed on 12/22/2018 in case as to BRIAN DAVID HILL. (Sheets, Jamie) (Entered: 08/16/2019)
09/12/2019	<u>186</u>	Minute Entry for proceedings held before CHIEF JUDGE THOMAS D. SCHROEDER in WS–2:FINAL HEARING RE REVOCATION OF SUPERVISED RELEASE as to BRIAN DAVID HILL held on 9/12/2019. AUSA Anand Ramaswamy present for the Government. Attorney Renorda Pryor present for the Defendant. Defendant present on bond. Defendant moves for a continuance. Government opposes the motion. Court DENIES motion. Defendant denies violation 1 of <u>157</u> Petition. Matter is contested (see Witness and Exhibit List) The Court finds the defendant in violation and Supervised Release is revoked. The defendant is REMANDED to the Bureau of Prisons for 9 months, followed by 9 years of Supervised Release (see Judgment and Commitment). Defendant permitted to self–report directly to the institution designated by the BOP or to the USMS in Greensboro, NC by 12:00 PM on 12/6/2019. Defendant's Release Conditions modified to include GPS location monitoring to begin within 7 days and a curfew at the probation officer's discretion.(Court Reporter Briana Bell.) (Engle, Anita) Modified on 9/13/2019 to correct typographical error. (Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>187</u>	PRO SE NOTICE OF APPEAL (Interlocutory) by BRIAN DAVID HILL re <u>183</u> Order on Motion to Continue. (Attachments: # <u>1</u> Envelope – Front and Back)(Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>188</u>	Exhibit Receipt Pursuant to Local Rule 79.4 for Exhibits from 9/12/2019 Supervised Release Violation Hearing. (Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>189</u>	Exhibit Receipt Pursuant to Local Rule 79.4 for Exhibits from 6/30/2015 Supervised Release Violation Hearing. (Engle, Anita) (Entered: 09/12/2019)
09/12/2019	<u>190</u>	PRO SE NOTICE OF APPEAL without payment of fees by BRIAN DAVID HILL. (Attachments: # <u>1</u> Envelope – Front and Back)(Engle, Anita) (Entered: 09/12/2019)
09/13/2019	<u>191</u>	Electronic Transmission of Notice of Appeal and Docket Sheet as to BRIAN DAVID HILL to US Court of Appeals re: <u>187</u> Notice of Appeal – Interlocutory and <u>190</u> Notice of Appeal Without Fee Payment. (Daniel, J) (Entered: 09/13/2019)

09/18/2019	<u>192</u>	MOTION by BRIAN DAVID HILL for stay of judgment pending appeal and its supporting memorandum of law – emergency motion. Response due by 10/15/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Daniel, J) (Entered: 09/18/2019)
09/18/2019	<u>193</u>	DECLARATION of BRIAN DAVID HILL re: <u>192</u> Motion to Stay for stay of judgment pending appeal and its supporting memorandum of law – emergency motion. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Envelope – Front and Back) (Daniel, J) (Entered: 09/18/2019)
09/19/2019		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>192</u> MOTION for stay of judgment pending appeal. (Engle, Anita) (Entered: 09/19/2019)
09/23/2019	<u>194</u>	REQUEST by BRIAN DAVID HILL for Transcript. Response due by 10/18/2019. (Attachments: # <u>1</u> CJA 24, # <u>2</u> Envelope – Front and Back) (Daniel, J) (Entered: 09/23/2019)
09/24/2019		Motion Referred to MAGISTSRATE JUDGE JOE L. WEBSTER RE: <u>194</u> REQUEST for Transcript. (Engle, Anita) (Entered: 09/24/2019)
09/30/2019	<u>195</u>	MOTION entitled "Motion to Disqualify Judge" filed by BRIAN DAVID HILL. Responses due by 10/21/2019. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 10/01/2019)
10/03/2019	<u>196</u>	USCA NOTICE of Docketing Petition for Writ of Mandamus as to BRIAN DAVID HILL. USCA Case Mgr: Jeffrey S. Neal; USCA Case Number 19–2077. (Daniel, J) (Entered: 10/03/2019)
10/03/2019	<u>197</u>	USCA ORDER granting BRIAN DAVID HILL leave to proceed in forma pauperis. USCA Case #19–2077. (Daniel, J) (Entered: 10/03/2019)
10/04/2019	<u>198</u>	ORDER signed by CHIEF JUDGE THOMAS D. SCHROEDER on 10/4/2019. The Defendant's pro se motion to stay the judgment pending appeal (Doc. <u>192</u>) is DENIED WITHOUT PREJUDICE, and his motion for recusal (Doc. <u>195</u>) IS DENIED as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 10/04/2019)
10/04/2019	<u>199</u>	MOTION entitled "Motion for Sanctions and to Vacate Judgment in Plaintiff's/Respondent's Favor" "Motion and Brief/Memorandum of Law in Support of Requesting the Honorable Court in this case Vacate Fraudulent Begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 10/25/2019. (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Supplement 2, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 10/04/2019)
10/07/2019	<u>200</u>	JUDGMENT ON REVOCATION OF PROBATION/SUPERVISED RELEASE. The Defendant's supervised release is revoked. Nine (9) months imprisonment. Nine (9) years supervised release is re-imposed under the same terms and conditions as previously imposed. The Defendant shall surrender to the U.S. Marshal for the Middle District of N.C. or to the institution designated by the Bureau of Prisons by 12:00 p.m. on 12/6/2019 as to BRIAN DAVID HILL. Signed by CHIEF JUDGE THOMAS D. SCHROEDER on 10/4/2019. (Daniel, J) (Entered: 10/07/2019)
10/07/2019	<u>201</u>	Transmission of Update Item to USCA as to BRIAN DAVID HILL re: <u>200</u> JUDGMENT ON REVOCATION OF PROBATION/SUPERVISED RELEASE. (Daniel, J) (Entered: 10/07/2019)
10/07/2019	<u>202</u>	Transmission of Update Item to US Court of Appeals as to BRIAN DAVID HILL re: <u>198</u> Order and <u>199</u> MOTION. (Daniel, J) (Entered: 10/07/2019)
10/09/2019	<u>203</u>	NOTICE OF APPEAL without payment of fees filed by BRIAN DAVID HILL re: <u>198</u> Order. (Attachments: # <u>1</u> Envelope – Front and Back) (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 10/09/2019)
10/09/2019	<u>204</u>	Electronic Transmission of Notice of Appeal and Docket Sheet as to BRIAN DAVID HILL to US Court of Appeals re <u>203</u> Notice of Appeal Without Fee Payment. (Garland, Leah) (Entered: 10/09/2019)
10/11/2019	<u>205</u>	AMENDED NOTICE OF APPEAL without payment of fees filed by BRIAN DAVID HILL re <u>200</u> Judgment on Revocation of Prob/SR. (Attachments: # <u>1</u> Envelope – Front

		and Back) (Garland, Leah) (Entered: 10/11/2019)
10/11/2019		Transmission of Update Item to USCA as to BRIAN DAVID HILL to US Court of Appeals re <u>205</u> AMENDED Notice of Appeal Without Fee Payment. (Garland, Leah) (Entered: 10/11/2019)
10/15/2019	<u>206</u>	MOTION entitled "Petitioner's Second Motion for Sanctions and to Vacate Judgment that was in Plaintiff's/Respondent's Favor; Motion and Brief/Memorandum of Law in support of Requesting the Honorable Court in this case Vacate Fraudulent begotten Judgment or Judgments" filed by BRIAN DAVID HILL. Response to Motion due by 11/5/2019. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Supplement 1, # <u>4</u> Supplement 2, # <u>5</u> Supplement 3, # <u>6</u> Supplement 4, # <u>7</u> Envelope – Front and Back) (Garland, Leah) (Entered: 10/16/2019)
10/15/2019	<u>207</u>	NOTICE of Docketing Appeal from USCA as to BRIAN DAVID HILL re: <u>203</u> Notice of Appeal Without Fee Payment. USCA Case Mgr: Jeffrey S. Neal; USCA Case Number 19-7483. (Daniel, J) (Entered: 10/16/2019)
10/15/2019	<u>208</u>	USCA ORDER appointing Renorda E. Pryor as counsel for BRIAN DAVID HILL re: <u>203</u> Notice of Appeal Without Fee Payment. USCA Case #19-4758. (Daniel, J) (Entered: 10/16/2019)
10/17/2019		Assembled Electronic Record Transmitted to Fourth Circuit US Court of Appeals as to BRIAN DAVID HILL re: <u>203</u> Notice of Appeal Without Fee Payment. USCA Case #19-7483. (Daniel, J) (Entered: 10/17/2019)
10/17/2019		Transmission of Update Item to USCA as to BRIAN DAVID HILL to US Court of Appeals re <u>205</u> Notice of Appeal Without Fee Payment, <u>206</u> MOTION for Sanctions. (Garland, Leah) (Entered: 10/17/2019)
10/17/2019	<u>209</u>	USCA ORDER granting motion to dismiss appeal pursuant to FRAP 42(b) as to BRIAN DAVID HILL re: <u>196</u> USCA Notice of Petition for writ of mandamus. USCA Case #19-2077. (Daniel, J) (Entered: 10/18/2019)
10/21/2019	<u>210</u>	ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE signed by MAG/JUDGE JOE L. WEBSTER on 10/21/2019, ORDERED that Petitioner's motion to file additional evidence (Docket Entry <u>144</u>) is granted. RECOMMENDED that the Government's motion to dismiss (Docket Entry <u>141</u>) be granted, that Petitioner's motion to vacate, set aside or correct sentence (Docket Entry <u>125</u>) be dismissed, or in the alternative denied, and that this action be dismissed. IT IS FURTHER RECOMMENDED that Petitioner's motion to file under seal (Docket Entry <u>140</u>), motion for a psychological/psychiatric evaluation (Docket Entry <u>151</u>), motions for the appointment of counsel (Docket Entries <u>153</u> and <u>169</u>), motion to continue supervised release (Docket Entry <u>154</u>), motion to dismiss (Docket Entry <u>165</u>), motion for copies (Docket Entry <u>168</u>), and request for transcript (Docket Entry <u>194</u>) all be denied. (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 10/21/2019)
10/21/2019		ORDER granting <u>144</u> Motion for Leave to File as to BRIAN DAVID HILL (1). Signed by MAG/JUDGE JOE L. WEBSTER on 10/21/2019. (Garland, Leah) (Entered: 10/21/2019)
10/21/2019	<u>211</u>	Notice of Mailing Recommendation: Objections to R&R due by 11/4/2019. Objections to R&R for Pro Se due by 11/7/2019. (Garland, Leah) (Entered: 10/21/2019)
10/31/2019	<u>212</u>	USCA ORDER as to BRIAN DAVID HILL. The court grants the motion to relieve counsel from further representation on appeal. The court appoints Edward Ryan Kennedy to represent Brian David Hill on appeal. USCA Case Number 19-4758. (Sheets, Jamie) (Entered: 10/31/2019)
11/01/2019	<u>213</u>	Objection by BRIAN DAVID HILL re <u>210 Recommended Ruling – Magistrate Judge</u> re <u>168</u> MOTION filed by BRIAN DAVID HILL, <u>153</u> MOTION to Appoint Attorney filed by BRIAN DAVID HILL, <u>141</u> MOTION to Dismiss <i>Motion to Vacate, Set Aside, or Correct Sen</i> (Attachments: # <u>1</u> Envelope – Front and Back)(Butler, Carol) (Entered: 11/04/2019)
11/04/2019	<u>214</u>	MOTION FOR LEAVE TO AMEND OR SUPPLEMENT HIS 2255 MOTION by BRIAN DAVID HILL. (1:17CV1036) (Butler, Carol) (Entered: 11/04/2019)

11/05/2019		Assembled Electronic Record Transmitted to Fourth Circuit US Court of Appeals as to BRIAN DAVID HILL re: <u>203</u> Notice of Appeal Without Fee Payment. USCA Case #19-7483. (Daniel, J) (Entered: 11/05/2019)
11/06/2019	<u>215</u>	TRANSCRIPT filed as to BRIAN DAVID HILL for dates of 09/12/2019, before Judge Thomas D. Schroeder, re <u>186</u> Supervised Release – Final Revocation Hrg,,, Court Reporter Briana L. Bell, Telephone number 336-734-2514. Email: brinesbit@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. </P> Does this satisfy all appellate orders for this reporter? y Redaction Request due 12/2/2019. Redacted Transcript Deadline set for 12/12/2019. Release of Transcript Restriction set for 2/7/2020. (Bell, Briana) (Entered: 11/06/2019)
11/08/2019	<u>216</u>	MOTION entitled "Petitioner's and Criminal Defendant's Motion to Correct or Modify the Record Pursuant to Appellate Rule 10(e) (Doc. # <u>215</u>)" "Motion and Brief/Memorandum of Law in support of "Petitioner's and Criminal Defendant's Motion to Correct or Modify the Record Pursuant to Appellate Rule 10(e)" (Doc. <u>215</u>)" filed by BRIAN DAVID HILL re: <u>215</u> Transcript. Responses due by 12/2/2019. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Envelope – Front and Back) (Garland, Leah) Modified on 11/12/2019 to properly link document. (Garland, Leah) (Entered: 11/08/2019)
11/08/2019	<u>217</u>	MOTION entitled "Request that the U.S. District Court Vacate Fraudulent Begotten Judgment, Vacate the Frauds upon the Court against Brian David Hill", filed by BRIAN DAVID HILL re: <u>199</u> Motion. Response to Motion due by 12/2/2019 (Attachments: # <u>1</u> Envelope – Front and Back) (Garland, Leah) Modified on 11/12/2019 to correctly link document. (Garland, Leah) (Entered: 11/08/2019)
11/12/2019		Transmission of Update Item to USCA as to BRIAN DAVID HILL to US Court of Appeals re: <u>217</u> MOTION. (Garland, Leah) (Entered: 11/12/2019)
11/15/2019	<u>218</u>	ORDER (re: <u>216</u> MOTION) signed by CHIEF JUDGE THOMAS D. SCHROEDER on 11/15/2019. Within seven (7) days the court reporter shall review her stenographic and other materials from the September 12, 2019 hearing and determine if the allegedly omitted statements were made and if the transcript accurately reflects the proceedings before the court. FURTHER that within seven (7) days the court reporter shall either file a corrected transcript or file a memorandum reporting that the certified transcript (Doc. <u>215</u>) accurately reflects the proceedings. Any further request for relief in the pending motion will await the court's review of the determination from the court reporter as to BRIAN DAVID HILL. (Daniel, J) Modified on 11/15/2019 to add text of last paragraph in <u>218</u> Order. (Daniel, J). (Entered: 11/15/2019)
11/20/2019		Assembled Electronic Record Transmitted to Fourth Circuit in 7 parts as to BRIAN DAVID HILL to US Court of Appeals re: <u>203</u> Notice of Appeal Without Fee Payment. USCA Case #19-7483. (Daniel, J) (Entered: 11/20/2019)
11/20/2019	<u>219</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 11/20/2019, that Petitioner's motion for leave to amend (Docket Entry <u>214</u>) is DENIED. (Civil Case number: 17CV1036) (Garland, Leah) (Entered: 11/20/2019)
11/20/2019	<u>220</u>	MEMORANDUM OF BRIANA BELL in case as to BRIAN DAVID HILL re: <u>218</u> ORDER. (Daniel, J) (Entered: 11/20/2019)
11/20/2019		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>216</u> MOTION entitled "Petitioner's and Criminal Defendant's Motion to Correct or Modify the Record Pursuant to Appellate Rule 10(e) (Doc. # <u>215</u>)." (Engle, Anita) (Entered: 11/20/2019)
11/20/2019	<u>221</u>	DECLARATION of BRIAN DAVID HILL in Opposition of Documents # <u>157</u> and # <u>200</u> . (Attachments: # <u>1</u> Supplement 1, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, #

		<u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Envelope – Front and Back)(Daniel, J) (Entered: 11/20/2019)
11/21/2019		Case Referred to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL, RE: <u>210</u> Recommended Ruling by Magistrate Judge. (1:17CV1036) (Engle, Anita) (Entered: 11/21/2019)
11/21/2019	<u>222</u>	MOTION entitled "Petitioner's third Motion for Sanctions, Motion for Default Judgment in 2255 case and to Vacate Judgment that was in Plaintiff/Respondent's favor" filed by BRIAN DAVID HILL. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Supplement 1, # <u>12</u> Envelope – Front and Back) (Garland, Leah) (Entered: 11/21/2019)
11/21/2019		Transmission of Update Item to USCA as to BRIAN DAVID HILL to US Court of Appeals re <u>222</u> MOTION. (Garland, Leah) (Entered: 11/21/2019)
11/21/2019	<u>223</u>	MEMORANDUM ORDER signed by CHIEF JUDGE THOMAS D. SCHROEDER on 11/21/2019. Mr. Hill's motion to correct or modify the record, including all other relief sought therein (Doc. <u>216</u>) is DENIED as to BRIAN DAVID HILL. (Daniel, J) (Entered: 11/21/2019)
11/22/2019		Transmission of Update Item to USCA as to BRIAN DAVID HILL re: <u>223</u> MEMORANDUM ORDER. USCA Case #19–7483. (Daniel, J) (Entered: 11/22/2019)
11/25/2019	<u>224</u>	NOTICE from USCA of Docketing Petition for Writ of Mandamus as to BRIAN DAVID HILL. USCA Case Mgr: Jeffrey Neal; USCA Case Number 19–2338. (Daniel, J) (Entered: 11/25/2019)
11/25/2019	<u>225</u>	<i>Emergency</i> MOTION by BRIAN DAVID HILL for Permission to Travel. (Attachments: # <u>1</u> Envelope – Front and Back) (Daniel, J) (Entered: 11/26/2019)
11/25/2019	<u>226</u>	NOTICE OF APPEAL without payment of fees by BRIAN DAVID HILL re: <u>219</u> Order. Civil Case number: 17CV1036. (Attachments: # <u>1</u> Envelope – Front and Back) (Daniel, J) (Entered: 11/26/2019)
11/25/2019	<u>227</u>	NOTICE OF APPEAL without payment of fees by BRIAN DAVID HILL re: <u>223</u> MEMORANDUM ORDER. (Attachments: # <u>1</u> Envelope – Front and Back) (Daniel, J) (Entered: 11/26/2019)
11/26/2019	<u>228</u>	Electronic Transmission of Notice of Appeal and Docket Sheet as to BRIAN DAVID HILL to US Court of Appeals re: <u>227</u> Notice of Appeal Without Fee Payment. (Daniel, J) (Entered: 11/26/2019)
11/26/2019	<u>229</u>	USCA ORDER granting leave to proceed in forma pauperis as to BRIAN DAVID HILL. USCA Case #19–2338. (Daniel, J) (Entered: 11/26/2019)
11/26/2019		Motion Submission to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL re <u>225</u> Emergency MOTION for Permission to Travel. (Engle, Anita) (Entered: 11/26/2019)
11/26/2019		Case Referred to CHIEF JUDGE THOMAS D. SCHROEDER as to BRIAN DAVID HILL, RE: <u>226</u> Notice of Appeal Without Fee Payment re: <u>219</u> Order. Civil Case number: 17CV1036. (Engle, Anita) (Entered: 11/26/2019)
11/27/2019	<u>230</u>	ORDER signed by CHIEF JUDGE THOMAS D. SCHROEDER on 11/26/2019. The Defendant's request (Doc. <u>225</u>) is granted, and he is allowed to travel to FMC Lexington on December 5, 2019, and to stay overnight, in order to self-report by December 6, 2019, in accordance with the judgment entered October 7, 2019 (Doc. <u>200</u>) as to BRIAN DAVID HILL (1). (Daniel, J) (Entered: 11/27/2019)
11/27/2019	<u>231</u>	NOTICE of Docketing Appeal from USCA as to BRIAN DAVID HILL re: <u>226</u> Notice of Appeal Without Fee Payment. (Civil Action 1:17CV1036) USCA Case Mgr: Jeffrey Neal; USCA Case Number 19–7755. (Daniel, J) (Entered: 11/27/2019)
11/27/2019	<u>232</u>	NOTICE of Docketing Appeal from USCA as to BRIAN DAVID HILL re: <u>227</u> Notice of Appeal Without Fee Payment. USCA Case Mgr: Jeffrey Neal; USCA Case Number 19–7756. (Daniel, J) (Entered: 11/27/2019)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
v. : 1:13CR 4351
BRIAN DAVID HILL :
:



The Grand Jury charges:

On or about August 29, 2012, in the County of Rockingham, in the Middle District of North Carolina, BRIAN DAVID HILL did knowingly possess materials which contained child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), said child pornography containing an image that involved a prepubescent minor and a minor who had not yet attained 12 years of age, and which materials had been shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been shipped and transported in and affecting interstate and foreign commerce, including by computer; in

violation of Title 18, United States Code, Section
2252A(a)(5)(B) and (b)(2).

A TRUE BILL:



ANAND P. RAMASWAMY
ASSISTANT UNITED STATES ATTORNEY



RIPLEY RAND
UNITED STATES ATTORNEY

PROB 12C
11/03

**UNITED STATES DISTRICT COURT
for the
Middle District of North Carolina**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: BRIAN DAVID HILL

Case Number: 1:13CR435-1

Name of Sentencing Judicial Officer: The Honorable William L. Osteen, Jr.

Date of Original Sentence: November 10, 2014

Original Offense: Possession of Child Pornography in violation of 18 U.S.C. § 2252(A)(a)(5)(B) and (b)(2).

Original Sentence: Custody of the Bureau of Prisons for 10 months and 20 days, but not less than time served, followed by 10 years supervised release.

April 29, 2015: Modification suspending mandatory drug testing was filed.

June 30, 2015: Supervised release violation hearing before the Honorable Thomas D. Schroeder. Supervised release was continued with the additional special conditions of six (6) months home incarceration and participation in a Cognitive Behavioral Therapy program.

September 4, 2015: Report of Offender Under Supervision was filed.

Type of Supervision: Supervised Release

Date Supervision Commenced: November 13, 2014

Date Supervision Expires: November 12, 2024

Assistant U.S. Attorney: Anand Prakash Ramaswamy

Defense Attorney: John Scott Coalter

PETITIONING THE COURT

- To issue a warrant. For compelling reasons, this petition and Warrant shall remain sealed until the Warrant is executed. The Clerk shall provide a copy of the petition and Warrant to the U.S. Attorney's Office and the United States Marshal Office.
- To issue a summons

The probation officer believes that Mr. Hill has violated the following condition(s) of supervision:

Violation 1 - The defendant shall not commit another federal, state or local crime.

On September 21, 2018, Mr. Hill was arrested by the Martinsville Police Department in Martinsville, VA for Misdemeanor Indecent Exposure. The offense date was September 21, 2018. Mr. Hill remains without bond at the Martinsville City Jail as of the date of this report. Mr. Hill's next scheduled court date is December 21, 2018.

According to the police report, on the night of September 21, 2018, a report was received that a nude male had been observed running on a public park trail within the city limits. Officers responded and made contact with the male, later identified as Mr. Hill. Mr. Hill ran away from the officers and was shortly thereafter detained near a creek. Mr. Hill advised the officers that a "black man in a hoodie" made Mr. Hill

RE: Brian David Hill

"get naked and take pictures of himself." Mr. Hill was in possession of a camera which he voluntarily allowed the officers to examine. The camera contained several nude photographs of Mr. Hill in different locations around the city of Martinsville. Following an examination at a local hospital, Mr. Hill was medically and psychologically cleared. Mr. Hill was subsequently arrested for Indecent Exposure, in violation of Virginia Criminal Code § 18.2-37, a Class 1 Misdemeanor.

U.S. Probation Officer Recommendation:

- The term of supervision should be
 revoked.
 extended for years, for a total term of years.

- The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the forgoing is true and correct.

Executed on November 6, 2018



Kevin M. Alligood
U.S. Probation Officer Specialist

Approved by:



Edward R. Cameron
Supervisory U.S. Probation Officer

November 12, 2018

Date

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

3 UNITED STATES OF AMERICA) CASE NO. 1:13CR435-1
4)
5 vs.)
6 BRIAN DAVID HILL) Winston-Salem, North Carolina
7) September 12, 2019
8) 3:37 p.m.
9

10

11 TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**
12 BEFORE THE HONORABLE THOMAS D. SCHROEDER
13 UNITED STATES DISTRICT JUDGE

14

15 APPEARANCES:

16 For the Government: ANAND RAMASWAMY, AUSA
17 Office of the U.S. Attorney
18 101 S. Edgeworth Street, 4th Floor
19 Greensboro, North Carolina 27401

20 For the Defendant: RENORDA E. PRYOR, ESQ
21 Herring Law Center
22 1821 Hillandale Road, Suite 1B-220
23 Durham, North Carolina

24 Court Reporter: BRIANA L. BELL, RPR
25 Official Court Reporter
 P.O. Box 20991
 Winston-Salem, North Carolina 27120

Proceedings recorded by mechanical stenotype reporter.
Transcript produced by computer-aided transcription.G1

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16 **Exhibits:**

		<u>Identified</u>	<u>Received</u>
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21 G-6	Photographs of area	22	29
21 G-7	Roadmap of locations of where photographs were taken	25	29
22 G-8	Defendant's August 2018 monthly supervision report found on camera	26	29
23 G-9	Screenshot of properties for Exhibit No. 8	27	29
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25 USA v. Brian Hill -- SRV hearing -- 9/12/19

1 P R O C E E D I N G S
2

(The Defendant was present.)

3 **THE COURT:** All right. Mr. Ramaswamy, good
4 afternoon, sir.

5 **MR. RAMASWAMY:** Good afternoon, Your Honor. The
6 Government calls for hearing on a supervised release violation
7 United States versus Brian David Hill in 1:13CR435-1,
8 represented by Ms. Pryor.

9 **MS. PRYOR:** Good afternoon, Your Honor.

10 **THE COURT:** Good afternoon, Ms. Pryor. How are you?

11 **MS. PRYOR:** I'm wonderful, Your Honor. Thank you.

12 **THE COURT:** Mr. Hill, good afternoon to you.

13 Mr. Alligood and Mr. McMurray are here from the
14 Western District of Virginia, welcome, here on behalf of
15 Probation.

16 We're here today because the petition and the
17 supplemental report allege that Mr. Hill violated the terms of
18 supervision.

19 Did you receive a copy of the petition and the
20 supplement?

21 **MS. PRYOR:** We did, Your Honor.

22 **THE COURT:** Have you reviewed those with your client?

23 **MS. PRYOR:** I have, Your Honor. And Mr. Hill is
24 actually requesting a continuance of this matter today, Your
25 Honor. I believe it was -- I won't said filed because we don't

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1 have an actual clerk's office here, but I think he did provide
2 it on I believe the 8th floor, Your Honor, and because of the
3 time that he drafted it, it seems like last night, he didn't
4 have an opportunity to file it. So he did provide it to me, a
5 copy, today.

6 He's asking for a continuance because his matter in
7 state court was actually -- his appeal hearing was continued to
8 December 2. It was in order -- the first hearing that he had,
9 I believe he -- his attorney was released from that. He has a
10 new attorney in state court, and so they continued it out to
11 December 2.

12 And so Mr. Hill is asking, based on his rights here,
13 that he would like for his hearing to be heard -- in
14 Martinsville, Virginia, to be heard before this hearing today.

15 **THE COURT:** So explain to me exactly what is set for
16 hearing in Virginia.

17 **MS. PRYOR:** So, Your Honor, he was found guilty of
18 indecent exposure in Martinsville, Virginia. He appealed that
19 matter. That matter was scheduled for --

20 **THE COURT:** Let me stop you.

21 **MS. PRYOR:** I apologize, yes.

22 **THE COURT:** So he's found guilty in the trial court?

23 **MS. PRYOR:** He was found guilty at trial, yes, Your
24 Honor.

25 **THE COURT:** So he's appealed it to whom?

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1 **MS. PRYOR:** He's appealed it to their -- which would
2 be their next level, which would be their superior court. In
3 that case, when he went to court on -- I think that was two
4 weeks ago, they continued that matter to December 2 to be heard
5 at that time, and he now has a new attorney.

6 **THE COURT:** And what's the nature of that appeal?

7 **MS. PRYOR:** It is the underlining matters that are
8 here on this case.

9 **THE COURT:** I understand. Is it a de novo review, or
10 is it an appeal?

11 **MS. PRYOR:** It would be a de novo review, Your Honor.

12 **THE COURT:** All right. What was he found guilty of?

13 **MS. PRYOR:** He was found guilty of the charges that
14 he's here for today, Your Honor, which was in violation of
15 indecent exposure. I think it's 137 -- I think it's 20-137,
16 which is indecent exposure. It is a misdemeanor, Your Honor.

17 **THE COURT:** According to the petition, it's Virginia
18 Code 18.2-387.

19 **MS. PRYOR:** I apologize, Your Honor. That's correct.

20 **THE COURT:** All right. Okay. Anything else on that?

21 **MS. PRYOR:** That's it, Your Honor. And then, of
22 course, you know, Your Honor, if you would not continue it,
23 we're prepared to proceed.

24 **THE COURT:** Well, I've also reviewed apparently today
25 a pro se emergency notice of interlocutory appeal. Are you

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1 aware of that?

2 **MS. PRYOR:** That's what I actually have, Your Honor,
3 and I was referencing it as a continuance. Your Honor, I did
4 receive that. I believe it might be couched in the wrong -- in
5 what he's requesting. So, Your Honor --

6 **THE COURT:** This one says he's appealing to the
7 Fourth Circuit; is that not right?

8 **MS. PRYOR:** That is correct, Your Honor.

9 **THE COURT:** What he's appealing?

10 **MS. PRYOR:** Your Honor, he is appealing --

11 **THE COURT:** I haven't ruled yet.

12 **MS. PRYOR:** I know, Your Honor.

13 **THE COURT:** Okay. All right.

14 Mr. Ramaswamy?

15 **MR. RAMASWAMY:** As to this -- addressing this motion
16 --

17 **THE COURT:** Which "this"?

18 **MR. RAMASWAMY:** I'm sorry. There's no file number on
19 it, but the petition for notice of interlocutory appeal, it
20 would appear to the Government he's appealing Document 183,
21 that's in the second paragraph, which is the Court's order on
22 the motion to continue. That was a motion to continue by the
23 defense, which the Court granted and the Government didn't
24 oppose. So it would appear Mr. Hill's attempting pro se to
25 appeal an order that was in the Defendant's favor.

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1 **THE COURT:** Hold on just a minute.

2 (Pause in the proceedings.)

3 **THE COURT:** Okay. What's your position on the other
4 motion? They want to continue this because he's appealing
5 Virginia -- the court's -- the trial court's determination.

6 **MR. RAMASWAMY:** I don't believe there is a motion --
7 unless it's one made orally, there is a motion to continue.

8 **THE COURT:** Do I have a written one?

9 **MS. PRYOR:** You do not have a written one, Your
10 Honor. That was an oral motion just now, Your Honor. That's
11 correct.

12 **THE COURT:** What's your view on that?

13 **MR. RAMASWAMY:** We would oppose, Your Honor. The
14 officer is here under subpoena. The Defendant is here. The
15 supervising officer is also here from Martinsville, Virginia.

16 **THE COURT:** Let me ask a question. When did the
17 court in Virginia rule?

18 **MS. PRYOR:** Your Honor, do you mind if I get a second
19 just to ask that question?

20 **THE COURT:** That's fine. I am going to want to know
21 when he took the appeal, too.

22 **MS. PRYOR:** Okay. Yes, Your Honor.

23 (Ms. Pryor conferred with the Defendant.)

24 **MS. PRYOR:** I apologize. Thank you, Your Honor.
25 Your Honor, he actually was found guilty on

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1 December 21 of 2019. He filed a pro se appeal on December 21,
2 but it was mailed, so they did not have it couched as a pro se
3 appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I
4 apologize.

5 **THE COURT:** Okay. And then when was that scheduled
6 for hearing?

7 **MS. PRYOR:** Well, Your Honor, when he did have the
8 first hearing, they then -- he, of course --

9 **THE COURT:** When was the appeal scheduled to be
10 heard, the original?

11 **MS. PRYOR:** Oh, the original, it was not scheduled
12 until May and then -- that's only because he went off -- and I
13 know that's probably longer than what you are asking me for,
14 but they sent him to Butner for competency. He came back in
15 May. They did couch the first hearing for May, and then they
16 continued that one because he released that attorney. And then
17 in July, he had a hearing, which is the one that you gave us
18 permission to continue to this date for that hearing, but then
19 that hearing was then rescheduled. He has another attorney who
20 is going to be handling that hearing on December 2.

21 **THE COURT:** Okay. Well, the motion is denied. The
22 standard before this Court on a potential revocation of a
23 petition is a preponderance standard, which is a different
24 standard. So even if he were found not to be guilty beyond a
25 reasonable doubt in a criminal court, that would not

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1 necessarily preclude this Court from finding him guilty on a
2 preponderance basis because that's the burden of proof. So it
3 is also a late-blooming motion, so on timeliness grounds as
4 well, I am going to deny the motion.

5 **MS. PRYOR:** Thank you, Your Honor.

6 **THE COURT:** All right. I read this emergency
7 petitioner's notice of interlocutory appeal. To the extent
8 that's even pending before me, it's not an impediment to my
9 moving forward. He's purporting to appeal an order that, as
10 the Government says, was one I granted in his favor, extending
11 him more time to proceed. So he's not been harmed by that
12 order, but, in any event, it's interlocutory.

13 So are you prepared to proceed?

14 **MS. PRYOR:** Yes, sir.

15 **THE COURT:** Did you say you reviewed the petition and
16 the supplement with your client?

17 **MS. PRYOR:** I did review it with him, yes, Your
18 Honor.

19 **THE COURT:** Do you have access to his original
20 presentence report?

21 **MS. PRYOR:** I do, Your Honor.

22 **THE COURT:** And are you confident that he understands
23 the charges pending against him?

24 **MS. PRYOR:** I am confident that he understands the
25 charges that are here today.

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Direct -- Sgt. Jones

10

1 **THE COURT:** All right. Mr. Hill, I need to speak
2 with you for a moment, if you would stand, please, sir.

3 How are you this afternoon?

4 **THE DEFENDANT:** I'm all right.

5 **THE COURT:** Good. Did you receive a copy of the
6 petition and supplement?

7 **THE DEFENDANT:** I did.

8 **THE COURT:** Did you review those with Ms. Pryor?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Do you understand the charge against you?

11 **THE DEFENDANT:** I am.

12 **THE COURT:** You may have a seat, sir.

13 The allegation in the petition is that Mr. Hill was
14 arrested by the Martinsville, Virginia Police Department for a
15 misdemeanor indecent exposure on September 21, 2018. He
16 reportedly was running around a public park nude at the time.

17 Does the Defendant admit or deny this allegation?

18 **MS. PRYOR:** He denies, Your Honor.

19 **THE COURT:** All right. Is the Government prepared to
20 proceed?

21 **MR. RAMASWAMY:** Yes, Your Honor.

22 **THE COURT:** All right. You may call your witnesses.

23 **MR. RAMASWAMY:** Thank you. The Government would call
24 Robert Jones.

25 **SERGEANT ROBERT JONES, GOVERNMENT'S WITNESS,** being first duly

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11

1 sworn, testified as follows at 3:48 p.m.:

2 **THE COURT:** Before you begin, give me a chance to
3 look at one thing.

4 **MS. PRYOR:** Your Honor, may I have just one moment
5 with my client?

6 | THE COURT: Yes, you may.

7 (Ms. Pryor conferred with the Defendant.)

8 **THE COURT:** Okay. I was just confirming that it's
9 Docket Entry 176, that the U.S. Court for the Western District
10 of Virginia in Roanoke did, in fact, find Mr. Hill to be
11 competent. That appears to be the case.

12 MS. PRYOR: That is correct, Your Honor.

13 | THE COURT: Thank you. All right.

14 Mr. Ramaswamy, you may proceed, sir.

DIRECT EXAMINATION

16 | BY MR. RAMASWAMY

17 Q Would you state your name and occupation for the record,
18 please.

19 A Robert Jones, patrol sergeant in the Martinsville City
20 Police Department.

21 Q How long have you been with the Martinsville PD?

22 A Just over 17 and a half years.

23 Q And were you on duty on September 21st of last year?

24 A I was.

25 Q And what were your duties on that date?

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12

1 A I was the supervisor for the patrol shift that evening.

2 Q Did you receive a call from dispatch that evening?

3 A We did.

4 Q What was that call in reference to?

5 A Radio traffic came across as a male subject with no
6 clothes on running down the side of the street at Hooker Street
7 near the Henry County Public Safety building.

8 Q And what did you do in response to that call?

9 A Several of the officers that work for me went to that area
10 and were trying to locate that individual. I came from another
11 part of the town. As I came across, they were not having any
12 luck locating him. I went to an area of Pine Street. At the
13 dead end section of that, there is a set of steps that go onto
14 the walking trail that connects where the individual was first
15 seen to where I was coming from.

16 Q You mentioned Hooker Street was the original place of the
17 report; correct?

18 A Correct. It's Hooker Street and Church Street there at
19 Burger King. It's an intersection right there at that area.

20 Q You mentioned the walking trail. What's the name of that
21 trail?

22 A It is the Dick and Willie Trail.

23 Q And do you know approximately how long that trail is?

24 A It's several miles long.

25 Q And in reference to Martinsville, where does it go in

USA v. Brian Hill -- SRV hearing -- 9/12/19

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13

1 reference -- is it remote or is it residential or a mixture?

2 A A mixture.

3 Q I believe you said you went to a set of steps near Pine
4 Street; is that correct?

5 A Yes, sir.

6 Q Would you tell the Court what happened next?

7 A I went down the steps around the edge of the intersection
8 there where the trail splits off back towards the direction
9 where the individual had been seen. As I was coming up the
10 trail, I could hear footsteps coming towards me; at which
11 point, I stopped to see if the individual would come closer to
12 me before I made contact.

13 Q On that trail, is that trail open at night?

14 A It is.

15 Q Is it a park?

16 A It's a walking trail that goes from the county through the
17 city back out into the county.

18 Q And you said you heard the footsteps before you saw
19 someone?

20 A Correct.

21 Q Did you eventually see someone?

22 A I did.

23 Q Did you see him -- did you have a flashlight?

24 A I did.

25 Q Did you see him by your flashlight or by other light?

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14

1 A By my flashlight.

2 Q And do you see the person that you saw that night?

3 A I do.

4 Q And is he in the courtroom?

5 A He is. It's the Defendant sitting at the table with his
6 attorney.

7 Q Mr. Hill?

8 A Correct.

9 Q Describe Mr. Hill when you saw him.

10 A When I shined my light on Mr. Hill, he was completely
11 naked other than a backpack, his tennis shoes and socks, and a
12 stocking cap.

13 Q How far away was he when you first saw him?

14 A About the length of the courtroom.

15 Q And when you -- after you saw him, what did you do?

16 A I yelled at him to stop. When I shined my flashlight on
17 him, he took off, which would have been where I was facing to
18 my left into the wood line and down the hill into the creek.

19 Q Did you see him holding anything?

20 A He did. He had a yellow flashlight in his hand and then
21 also another black object, which was later found to be another
22 flashlight in his other hand.

23 Q I'm sorry. After he ran down the hill and into the wooded
24 area, did you pursue?

25 A I did.

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15

1 Q Describe that for the Court, please.

2 A We run through the brush, through the thicket down into

3 the creek; at which point, he jumped over a log into the creek.

4 Q Was he still holding the objects?

5 A One of the objects had fell. The small black flashlight

6 had fallen. That was picked up by one of the other officers

7 that came to assist me.

8 Q And what did you do next?

9 A He was handcuffed at that point and was walked out of the

10 wooded area back to the patrol cars that met us at -- off of

11 Hooker Street on one of the side streets.

12 Q You mentioned two flashlights in a backpack. Did he have

13 anything else with him?

14 A Yes, there was -- in his backpack was located a camera.

15 Q Did Mr. Hill make any statements to you at that time?

16 A He was complaining of knee pain; at which point, we

17 transported him to the hospital to get him checked out to make

18 sure he was okay. While there, he proceeded to explain to me

19 that the reason he was out there like that was because a male

20 subject -- a black male in a hoodie had threatened him and

21 forced him to take pictures of himself.

22 Q What -- did he give any more detail than that, a black

23 male in a hoodie forced him to take photos?

24 A He did. He said that the male subject threatened him and

25 his family and told him that he needed to take these photos of

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16

1 himself naked; otherwise, they were going to hurt his family.

2 Q Did he make any statement as to whether or not this person
3 knew his family?

4 A When questioning him if the male subject was with him when
5 he took the photos and stuff that were on the camera, he stated
6 he was not with him. And when questioned about that and why he
7 didn't come to see us and asked him -- he proceeded to explain
8 to us that this subject was working for law enforcement and
9 other individuals in reference to his prior charges.

10 Q So it was a story that his original child pornography
11 charge -- that this unknown person was somehow affiliated with
12 that charge?

13 A Correct.

14 Q What did he say about the camera itself?

15 A He said that the -- originally said that the male subject
16 had given him the camera to go take the photos. I had seized
17 the camera during this time. A search warrant was issued for
18 it, and on the camera card -- on the SD card inside the camera
19 was a Word document that belonged to Mr. Hill.

20 Q Were there other things on the camera card?

21 A Photos from that evening.

22 Q Did he say what he was supposed to do with the camera
23 after he took these pictures?

24 A He did. He was supposed to leave it on one of the benches
25 on the walking trail.

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17

1 Q Now, did you obtain a search warrant for the contents of
2 the camera?

3 A I did.

4 Q And did you later find the photographs and document you
5 mentioned on the camera?

6 A Correct.

7 **MR. RAMASWAMY:** May I approach?

8 **THE COURT:** Yes.

9 **BY MR. RAMASWAMY**

10 Q Officer Jones, I'm going to show what's marked as
11 Government's Exhibit 1, which is a two-page exhibit, a contact
12 sheet. Do you recognize what's on Government's Exhibit 1?

13 A Yes. These are thumbnails of the photos that were found
14 on that card.

15 Q I'm going to ask you to look at Government's Exhibit 1,
16 and on the photographs themselves, does there appear to be a
17 time/date stamp?

18 A It is.

19 Q Is that time/date stamp consistent with the day that the
20 incident occurred?

21 A It is.

22 Q And also below each photograph is some text that begins
23 with the word "Sanyo," and the first one at the top left of
24 Government's Exhibit 1 says sanyo001.jpg. Do you know what
25 that is?

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Direct -- Sgt. Jones

18

1 A That's the -- normally, that's the stamp that the camera
2 puts onto the card for the photo that's stored on it.

3 Q So that's the file name for each of the photographic files
4 on the camera?

5 A Correct.

6 Q Is what's shown in Government's Exhibit 1 all of the
7 photographs found on Mr. Hill's camera?

8 A Yes.

9 Q And I know there are --

10 **MR. RAMASWAMY:** I would ask that Government's
11 Exhibit 1 be admitted, Your Honor.

12 **MS. PRYOR:** Your Honor, we have no objection. Just
13 ask that it be sealed because of the nature of it.

14 **THE COURT:** All right. It's admitted.

15 **BY MR. RAMASWAMY**

16 Q I'm going to ask you about Government's Exhibit 1 in
17 relation to this trial, the Dick and Willie Passage. In your
18 further investigation or knowledge, were you able to determine
19 whether these photographs were taken in reference to that
20 trial?

21 A Further investigation from the initial incident, it looks
22 like all of these were taking place at the Greene Company right
23 behind the Mexican restaurant right in that area, Virginia
24 Avenue, Memorial Boulevard, and Commonwealth Boulevard.

25 Q What type of area is that?

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1 A It's the Wal-Mart -- it's our Wal-Mart intersection.
2 There's several restaurants, a gas station right here in this
3 little area, along with a hotel there as well.

4 Q In terms of Martinsville, or Henry County, is it -- how
5 would you describe it in terms of car traffic? Foot traffic?

6 A Heavy traffic.

7 **THE COURT:** Any objection to sealing these, given the
8 nature of them?

9 **MR. RAMASWAMY:** I don't have any objection.

10 **MS. PRYOR:** Thank you.

11 **THE COURT:** I'll order that they be sealed, that is,
12 Government's Exhibit 1.

13 **BY MR. RAMASWAMY**

14 Q It's Detective Jones; correct?

15 A Sergeant Jones.

16 Q I'm sorry.

17 A No problem.

18 Q Sergeant Jones, I'm going to show what's marked as
19 Government's Exhibit 2. Do you recognize Government's
20 Exhibit 2?

21 A Yes, sir.

22 Q In Government's Exhibit 2 is a map, arrows, and some text.
23 Have you previously reviewed this in relation to the
24 photographs and file names?

25 A Yes, sir.

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1 Q And as it describes in numbered sequence one through five,
2 does that accurately show, as to the files in Government's
3 Exhibit 1, the locations where those photographs were taken?

4 A Yes, sir. These are consistent with the photographs.

5 Q Those photographs I mentioned before have a time stamp;
6 correct?

7 A Correct.

8 Q And for the record, on Government's Exhibit 2, on the
9 first number there, under No. 1, when do the photographs begin,
10 as far as the time stamp?

11 A At 12:29 a.m.

12 Q Sergeant Jones, I'm showing you what's marked as
13 Government's Exhibit 3, and I want you in reference to -- what
14 does Government's Exhibit 3 show?

15 A This is photographs of the Greene Company from Virginia
16 Avenue over the bridge, along with the beginning of the walking
17 trail there for parking, the bike rack, and the little bulletin
18 board there at the beginning of the trail.

19 Q You mentioned that bike rack and bulletin board. That's
20 approximately in the center of the large photograph; correct?

21 A Correct.

22 Q And the bike rack is that the green --

23 A Just the little -- right beside the green trash can and
24 bulletin board.

25 Q Do you see those same -- that bulletin board and bike rack

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1 and trash can in Government's Exhibit 1, in those photographs?

2 A Yes.

3 Q And I'll show you what's marked Government's Exhibit 4.

4 Again, another large photograph in the daytime -- taken in the
5 daytime. Do you recognize that?

6 A Yes, sir. That is the backside of the Greene Company and
7 their parking lot, along with the Taco Bell old truck --
8 transfer truck that they have there.

9 Q That says Taco Bell?

10 A Minus a few letters.

11 Q Okay. On the second page of Government's Exhibit 1, is
12 there are also a Taco Bell truck with the B and final L missing
13 from Bell?

14 A Correct.

15 Q Is that what you were able to determine was the location
16 of the photographs shown on the back -- the second page of
17 Government's Exhibit 1?

18 A Yes, sir.

19 Q I'll show you what's marked Government's Exhibit 4 --
20 Government's Exhibit 5. Would you tell us what's shown in that
21 photograph?

22 A That is the intersection for the Commonwealth, Virginia
23 Avenue, Memorial Boulevard intersection.

24 Q And that's a photograph taken in the daytime; correct?

25 A Correct.

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1 Q Now, in relation to Martinsville, Henry County -- well,
2 strike that.

3 Is that the same intersection that has the Wal-Mart on the
4 one side and other businesses on the other?

5 A Correct.

6 Q In relation to Martinsville and Henry County, how busy of
7 an intersection is that? Is it a -- it's in the top?

8 A It's one of our busiest intersections for that area.

9 Q I am going to show you a photograph marked Government's
10 Exhibit 6.

11 **MR. RAMASWAMY:** And I have no objection if counsel
12 moves to seal this one as well, Your Honor.

13 **MS. PRYOR:** That would be my request, Your Honor.

14 **THE COURT:** All right. It's granted.

15 **BY MR. RAMASWAMY**

16 Q I have some questions related to Government's Exhibit 6.
17 What is shown in that exhibit?

18 A This is the grassy section just up from the intersection
19 behind the gas station. The Wal-Mart intersection is here with
20 the stoplights. The signs for all the stores down there in the
21 strip mall just below Wal-Mart is here in the smaller, lower
22 right-hand corner.

23 Q And you're pointing to the lower right-hand corner of
24 Government's Exhibit 6. Is there also a yellow sign with a
25 semicircular top about in the center near the bottom?

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1 A Yes, sir.

2 Q What business is that?

3 A That's one of the businesses right here on the main strip.

4 I think it's a Midas or Monro, something to that effect, and

5 then Hill Chiropractic is right there as well.

6 Q Is that a tire store?

7 A Correct.

8 Q And is that visible? Is this intersection visible in

9 Government's Exhibit 5?

10 A Yes, sir. It's right here.

11 Q And you're pointing to -- in Government's Exhibit 5, on
12 the right, you're pointing to where there's a Lowe's sign, in
13 between the Lowe's and the Wal-Mart?

14 A Right. The Hill Chiropractic sign is here just at the
15 stoplight, the Monro Muffler shop is here, and the Wal-Mart
16 intersection is all right there together.

17 **MS. PRYOR:** Your Honor, do you mind if I move closer
18 just so I can see where they're pointing? I am unable to see
19 it from here.

20 **THE COURT:** Why don't you hold it up so counsel can
21 see it.

22 **THE WITNESS:** The Wal-Mart intersection is here where
23 the blue sign is. We've got the yellow building, which is the
24 muffler shop, tire shop there, and then just past that one with
25 this other brick building behind it is the Hill Chiropractic

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1 building.

2 **BY MR. RAMASWAMY**

3 Q I have a couple more.

4 Directly -- is Mr. Hill shown in this Government's
5 Exhibit 6?

6 A He is.

7 Q In the space between his arm, is there a sign visible?

8 A It is.

9 Q Do you see that same sign in Government's Exhibit 5?

10 A Yes, sir.

11 Q What sign is that in Government's Exhibit 5?

12 A It's the Mexican restaurant sign, the El Parral.

13 Q And do you also see behind Mr. Hill in Government's
14 Exhibit 6 what appears to be a yellow curb?

15 A I do.

16 Q Do you see that yellow curb in Government's Exhibit 5?

17 A I do. That is actually the Stultz Road intersection.

18 Q Can you tell on Government's Exhibit 5 the vantage point
19 from which Government's Exhibit 6 was taken?

20 A That appears to be the grassy section behind the gas
21 station, which is Fast Fuels.

22 Q I'm going to give you a pen. If you would mark on there,
23 if you're able.

24 A Fast Fuels would be up here just out of camera view, and
25 it would be down here in this corner in Photo 6.

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1 Q So you placed a small dot on each photograph, which is the
2 apparent vantage point on Government's Exhibit 5 from which
3 this photo was taken; correct?

4 A Correct.

5 Q Do you see anything other than the store lights in
6 Government's Exhibit 6?

7 A Yes, sir. There appears to be taillights from a vehicle
8 passing at the intersection.

9 Q And that is on the photograph just to the right of the
10 Defendant's leg with the black sock?

11 A Correct, which would be roughly two-thirds down the page,
12 middle of the page.

13 Q In relation to this trail, do you -- strike that.

14 Let me show what's marked as Government's Exhibit 7, and I
15 ask you to take a moment and look at that.

16 Have you seen that exhibit before?

17 A I have.

18 Q Would you describe what's in the exhibit?

19 A It's a roadmap of the city and locations of where the
20 photos were originally started and a location of the time of
21 the original call that we received from dispatch and
22 approximate arrest location.

23 Q So there's four annotations on here. This 310 Forest
24 Street, do you know what that is?

25 A That's down where the suspect lived, Mr. Hill.

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1 Q And everything -- as far as the photographs, were those
2 taken where it says photos taken here, 12:29 to 1:20 a.m.?

3 A Correct.

4 Q And I may not have asked you the time that the call came
5 in to the police, but do you know what time that call came in?

6 A It was 3:12 in the morning.

7 Q And is this -- can you review the place where it says
8 "arrest"? Is that accurate as to the place to which the
9 Defendant was arrested?

10 A Yes, sir.

11 Q The distance between where the photographs were taken and
12 where it shows the 911 call location was made, can you tell
13 even approximately what distance was that?

14 A It's a couple of miles.

15 **MR. RAMASWAMY:** One moment, please.

16 **THE COURT:** Sure. While you're going through that,
17 just so counsel has an idea, I can go until about 5:15 today.
18 So if you think you need to go beyond that, we'll have to make
19 arrangements.

20 **MR. RAMASWAMY:** I don't anticipate -- thank you, Your
21 Honor. I am sorry to interrupt. I don't anticipate more than
22 two other exhibits, and my evidence will be all through this
23 witness.

24 **THE COURT:** All right.

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1 BY MR. RAMASWAMY

2 Q I'm going to show you a four-page exhibit marked as
3 Government's Exhibit 8, and I ask that you take a moment and
4 look at that, please.

5 Sergeant Hill [sic], can you tell -- have you seen
6 Government's Exhibit 8 before?

7 A I have.

8 Q What is it?

9 A It's the document that was found on the SD card in printed
10 version that belonged to Mr. Hill that was on the camera when
11 we did the search warrant.

12 Q So this document was on the same card as the photographs?

13 A Correct.

14 Q And I will show what's been marked as Government's
15 Exhibit 9. I'll ask that you take a look at that.

16 In your examination of the contents of the camera card,
17 did you observe the properties for that four-page document I
18 just showed you?

19 A I did.

20 Q And is this a screenshot of the properties?

21 A It is.

22 Q And under the author, what does it say?

23 A Brian D. Hill.

24 Q Did you ever see anyone else on the trail that night
25 besides Mr. Hill?

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1 A No, that's the only person that I came into contact with.

2 Q Other than September 21, were you -- of last year, were
3 you aware of other calls in reference to a naked person on that
4 trail or in that area?

5 A We have had other calls in the city in reference to a
6 white male running naked with a stocking cap on, which was
7 consistent with Mr. Hill.

8 Q Did you get similar calls after Mr. Hill was arrested in
9 this case?

10 A We've had, I know, two other calls for indecent exposure
11 incidents, but they were both identified as not being Mr. Hill.

12 Q And you mentioned he was -- he was charged with indecent
13 exposure; correct?

14 A Correct.

15 Q Are you familiar with the Virginia statute?

16 A Yes, sir.

17 Q I will show you what's been marked as Government's
18 Exhibit 10, and ask that you take a look at that and see if you
19 recognize that.

20 A Yes, sir.

21 Q What is Government's Exhibit 10?

22 A That is a printout of our state statute for indecent
exposure.

24 Q And that's under your Virginia Code Section 18.2-387;
25 correct?

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1 A Correct.

2 Q That's what Mr. Hill was charged with?

3 A He was charged under our local statute, which mimics this
4 just for funding purposes.

5 Q There was mention before about a trial. Was that a bench
6 trial?

7 A Yes, sir.

8 Q So the current matter on appeal was on appeal for jury
9 trial; correct?

10 A It was slated for a jury trial, yes, sir, it was.

11 Q Do you know when that was set for trial?

12 A It was a couple of weeks ago. It was continued. I'm not
13 sure of the exact date. I don't have my calendar.

14 **MR. RAMASWAMY:** I have no other questions.

15 **THE COURT:** All right. Are you moving any of these
16 in?

17 **MR. RAMASWAMY:** I'm sorry. I believe I moved for
18 Government's Exhibit 1. For the remainder of the exhibits,
19 we'd asked that they be admitted, and I believe two of them are
20 under seal, Your Honor.

21 **THE COURT:** Any objection?

22 **MS. PRYOR:** No objections, Your Honor.

23 **THE COURT:** They are admitted, and Exhibit 1 and
24 Exhibit 5 are under seal.

25 Ms. Pryor, any questions?

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Cross -- Sgt. Jones

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1 MS. PRYOR: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. PRYOR

4 Q Can you tell us -- I believe you stated that the call came
5 in around what time?

6 A Around 3:12 in the morning.

7 Q And was that the only call that you received?

8 A It was.

9 Q Okay. And at 3:12 in the morning, are any of the places
10 that's on the map, I believe Taco Bell, the Mexican
11 restaurants -- are those places open at that time?

12 A The Greene Company that has the Taco Bell delivery truck
13 is not open at that point. The Wal-Mart at that intersection
14 is still open. Other than -- as far as the Mexican restaurant
15 and the other restaurant right on the corner, they are not.

16 Q I believe there is a Roses as well on that corner as well?

17 A Correct.

18 Q And Lowe's as well?

19 A Yes.

20 Q And are those open at that time in the morning?

21 A No, ma'am.

22 Q And when you did proceed to arrest my client at that time,
23 how many people were around at that time?

24 A It was me and him when he was placed in handcuffs in the
25 woods. Another officer was coming down to us but had not made

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1 it to us at that point.

2 Q Was there anyone on the trail at that time?

3 A I did not make any contact with anybody else at that time.

4 Q And you said what when you approached him? He was -- that
5 he did -- he did lead you on a pursuit?

6 A Correct.

7 Q Do you recall about how long that pursuit was?

8 A It wasn't far. He made it to the bottom of the hill
9 through the vines and brush and, like I said, jumped over a log
10 into the creek out of my sight, which I was trying to give him
11 commands to show me his hands at that point.

12 Q And you didn't see anyone when you were on that pursuit?

13 A No.

14 Q At the time -- these photos are clearly taken during the
15 daytime with many cars, of course, on this, but at 3:12 a.m.
16 when you were traveling, based on that call, did you see --
17 about approximately how many cars was on the road at that time?

18 A This was not at -- when he was taken into custody, it was
19 not at that intersection. It was farther up the trail towards
20 the other side of the city.

21 Q Okay. So farther up the trail -- are there any
22 restaurants farther up that trail?

23 A That actually comes out to another intersection where
24 there's restaurants, some other businesses, and stuff like
25 that. Those were not open during this particular time. It

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1 proceeds up past the access for the hospital and continues on
2 out to the Public Safety building, which is -- somebody's
3 staffing that 24 hours a day.

4 Q Okay. And you said that the caller, based on the diagram
5 on -- I believe that's Government's Exhibit No. 7. The caller
6 that called in at 3:12 a.m., that was near I believe -- that
7 looks like a Burger King; is that correct?

8 A Correct. Right there at that intersection for the Burger
9 King is a 24-hour laundromat and just around -- if you take a
10 right from there, you are in sight of the CVS that's open 24
11 hours a day.

12 Q And that's not pictured here on Exhibit No. 5; correct?

13 A No.

14 Q And when you approached -- or when you did ask him to
15 stop, did you have on your uniform at the time?

16 A I did.

17 Q And did you tell him that you were police at the time?

18 A I do not recall if I actually said I was police or not
19 when I told him to stop; at which point, he went straight into
20 the woods, and I began chasing him.

21 Q And once you did arrest him, you said that he had a
22 flashlight and a book bag, and I believe you said one other
23 item?

24 A There was a backpack on him. He had a large flashlight,
25 like a square battery one, in his hand, and he also dropped a

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1 small black flashlight while running.

2 Q And you were able to recover all of those things?

3 A We did.

4 Q Did he voluntarily provide you with his camera as well?

5 A He did. When he was explaining the situation, his first
6 story as to what had -- the reason why he was out there that
7 late, he gave us permission to look at -- one of the officers
8 to look at the photos, and that's how we came about those.

9 Q Okay. And one of the things that he said at the time is
10 that there was a male that was in a hoodie, that he was told
11 that he had to take those pictures?

12 A Correct.

13 Q And did he tell you any other information about the male
14 in the hoodie?

15 A He proceeded to explain to me that during this time frame,
16 during questioning him and trying to get some more information
17 about that -- he provided more information as to that male
18 subject with the hoodie was working for the people that were --
19 that had originally been in his original charges.

20 Q Okay. And did you investigate whether he -- whether there
21 was some threat to his family or anything?

22 A Talking with him, the time frame didn't really add up to
23 me at that point. We made contact with his -- tried to make
24 contact with his mother that night. I don't know if anybody
25 actually spoke to her. I don't recall.

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1 Q Okay. But as part of your investigation, have you been
2 able to find out whether there were some threatening matters
3 that was sent to him or his family?

4 A I have not heard anything of that, no.

5 Q But do you -- but you didn't do the investigation?

6 A No.

7 Q Did Mr. Hill -- when you approached him, did he tell you
8 that he had autism?

9 A He did.

10 Q And do you guys -- does your -- I would say does your --
11 does the department train you on how to approach someone with
12 autism?

13 A We deal with some academy-wise and not much follow-up
14 after that.

15 Q Did he also tell you that he was a diabetic as well?

16 A I do not recall him telling me that, no.

17 Q Did he tell you that he was also OCD?

18 A Not that I recall.

19 Q And when you took him to the hospital, did they admit him
20 into the hospital that night?

21 A No, they cleared him medically and psychologically and
22 released him to us.

23 Q Okay. Did you get those reports from -- the medical
24 reports?

25 A No, I did not do a subpoena for his hospital records.

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Redirect -- Sgt. Jones

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1 Q Okay. Did you speak to a doctor or anyone regarding his
2 condition or anything of that nature that night?

3 A We -- other than just checking with him to see if they
4 were going to be releasing him or admitting him, no.

5 Q Do you recall any tests that were taken that night besides
6 just checking, I believe you said, his knee?

7 A No, ma'am. Like I said, when we -- we also checked him
8 for mental health issues is the reason why they cleared him
9 psychologically, to make sure there was nothing going on there.
10 Once they do that, they do lab work and other stuff. I didn't
11 ask about his medical history.

12 Q Was there any tests dealing with his blood alcohol content
13 or anything of that nature?

14 A I don't know if they did. Like I said, I did not get his
15 records. They normally do, but I do not have that.

16 **MS. PRYOR:** No further questions, Your Honor.

17 **THE COURT:** Any redirect?

18 **MR. RAMASWAMY:** Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 **BY MR. RAMASWAMY**

21 Q Counsel asked you about certain businesses and whether or
22 not they were open in this time frame. Are there residences
23 along this trail?

24 A It is.

25 Q Were there residences close to the trail?

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Redirect -- Sgt. Jones

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1 A There are.

2 Q Are there residences where there's no obstruction between
3 the residence and the trail?

4 A Yes, sir.

5 Q And this did, in fact, come in on a call of a report of a
6 naked man; correct?

7 A Correct.

8 **MR. RAMASWAMY:** No other questions.

9 **MS. PRYOR:** I just have a follow-up on that.

10 **THE COURT:** All right.

11 RECROSS-EXAMINATION

12 **BY MS. PRYOR**

13 Q Were any pictures taken in front of any houses?

14 A Not on the camera that I saw, no.

15 Q And the residences that he mentioned, are those residences
16 behind trees on the trail?

17 A There's some that back up to it that you can see the trail
18 from, along with -- the original call that came in, the trail
19 actually runs right up the side of the road where the original
20 call came in.

21 Q And did that call come in from a resident?

22 A No, it was a passerby in a car.

23 **MS. PRYOR:** Thank you. No further question.

24 **THE COURT:** What time did you say you were on the
25 scene there the first time?

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1 **THE WITNESS:** The original call came in at 3:15, and
2 I had Mr. Hill in custody at 3:22.

THE COURT: Any further questions from counsel?

4 MS. PRYOR: No, Your Honor.

5 **THE COURT:** Thank you. You may step down.

6 (At 4:26 p.m. witness excused.)

7 THE COURT: Any other evidence?

MR. RAMASWAMY: Not from the Government, Your Honor.

THE COURT: Any evidence from the Defendant?

10 **MS. PRYOR:** Yes, Your Honor. I would like to call
11 Officer Jason McMurray, Your Honor.

12 **JASON MCMURRAY**, DEFENDANT'S WITNESS, being first duly sworn,
13 testified as follows at 4:26 p.m.:

DIRECT EXAMINATION

15 | BY MS. PRYOR

16 Q Could you state your full name for the Court.

17 A Yes. Jason McMurray.

18 Q And where do you work?

19 A I'm a United States probation officer employed in the
20 Western District of Virginia in the Roanoke Division.

21 Q How long have you been with the police -- I mean the
22 probation office?

23 A Over 10 years.

24 Q Okay. And did you have the occasion to supervise
25 Mr. Brian Hill?

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1 A Yes, sir, I have supervised him Mr. Hill since about
2 July 1, 2015.

3 Q Okay. And as long as you have been supervising Mr. Hill,
4 has he had any infractions besides the one that we are
5 presently here for today?

6 A The only one was when shortly after he was released from a
7 prior revocation hearing, for which he was not revoked, he was
8 referred to sex offender specific treatment. After a short
9 time of enrollment, the counselor advised that he was not
10 amenable to treatment and recommended that he be terminated. I
11 advised the probation office in this district, who had, in
12 turn, advised the Court, and the determination was made that if
13 he was otherwise stable with no other concerns or issues, we
14 could just continue with supervision.

15 Q Okay. And so he continued on supervision.

16 Did he have the occasion to attend any mental health
17 treatment?

18 A He saw a private counselor named Preston Page that was
19 paid for by his Medicaid, I do believe. He maintained contact
20 with Mr. Page, and I would check with Mr. Page occasionally to
21 see how things are going.

22 Q Are you aware that Mr. Hill is diagnosed with autism?

23 A I am aware, yes.

24 Q And with your reaction and your interaction with him, have
25 you found -- have you found to determine that you do see some

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1 level of weaknesses when it comes to -- when it comes to your
2 communication with him?

3 A Sometimes it can be difficult to communicate with
4 Mr. Hill. So I have on many occasions -- he resides with his
5 mother, and I have spoken with Roberta, is his mother's name,
6 to see how things are going. And Mr. Hill has always been
7 respectful. It is hard to communicate with him on --
8 sometimes, but I will speak with his mother, and I have spoken
9 with his grandparents on occasion as well.

10 Q Okay. And when you've talked to Mr. Hill, I think you
11 stated it, has he been respectful with you?

12 A He has.

13 Q And did Mr. Hill tell you -- did you get an opportunity to
14 speak to him about this particular violation hearing?

15 A In what regard?

16 Q Just has he talked to you about what happened or anything,
17 that he spoke to the police officers and that nature?

18 A When he was incarcerated, he had submitted some letters.
19 We have not spoken face to face or on the telephone regarding a
20 violation.

21 Q And other than this violation that we're here today,
22 Mr. Hill, to your recollection, has been in compliance with all
23 of the conditions of his release?

24 A He's been in compliance since I have supervised him until
25 his arrest.

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1 Q Okay. Did you --

2 **MS. PRYOR:** Can I have one moment, Your Honor?

3 **THE COURT:** Yes.

4 (Pause in the proceedings.)

5 **BY MS. PRYOR**

6 Q Do you recall what date he was arrested for these matters?

7 A September 21, 2018.

8 Q Okay. And do you recall what date the federal -- that the
9 federal Government -- or, let me say, the probation office
10 filed their violation?

11 A I'm not aware of the exact date that the petition in North
12 Carolina -- this district was filed, but I notified the
13 probation office, and they proceeded to request the violation
14 warrant. I'm not exactly sure of the date.

15 Q Okay. And do you recall whether Mr. Hill, once he was --
16 once he was found guilty in Martinsville, did the Federal
17 Government have a hold on his -- on his detainer?

18 A That is correct, because he was brought into magistrate
19 court in Roanoke for his initial appearance on the violation
20 proceedings.

21 Q Okay. And can you tell the Court what happened at the
22 particular proceeding? Did you attend that proceeding?

23 A Yes, ma'am, I did.

24 Q First, did you attend that proceeding?

25 A Yes, ma'am, I was there.

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1 Q And can you tell the Court what the judge recommended
2 based on that proceeding that day?

3 A This took place on December 26, 2018. Magistrate Judge
4 Ballou ordered that he be sent to Butner for a psychological
5 evaluation.

6 Q And how many days was he supposed to be at that -- or go
7 through that process?

8 A He was not returned to court until May 14th of this year,
9 2019.

10 Q Okay. After he returned May 14th of this year, was he
11 released at that time?

12 A Yes, ma'am, he was.

13 Q Okay. And he was released back home?

14 A Yes, to the home that he shares with his mother.

15 Q And did that Court find that he was not a flight risk at
16 the time?

17 A Yes.

18 Q And since he's been home, I believe you said May 14, 2019,
19 has he been in violation of that particular conditions of that
20 release?

21 A No, ma'am.

22 Q Okay. And based on that release, that was -- based on
23 that release on May 14, 2001 [sic], have you had a chance to
24 visit him at home?

25 A Yes, monthly.

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Cross -- PO McMurray

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1 MS. PRYOR: No further questions, Your Honor.

THE COURT: Any cross?

CROSS-EXAMINATION

4 BY MR. RAMASWAMY

5 Q You mentioned previously that Mr. Hill's sex offender
6 treatment or counseling was terminated because he was found not
7 to be amenable to treatment; correct?

8 A Yes, sir.

9 Q Do you know what the nature of that was?

10 A Yes, I do. Dr. Keith Fender of Radford Counseling advised
11 that in group treatment Mr. Hill was not accepting
12 responsibility for his underlining charge -- or conviction,
13 rather, and that that would be a detriment to the group, and
14 they determined that he should be removed from group, because
15 part of that is that you accept responsibility and you work
16 through what they call a workbook, which is a quite lengthy
17 piece of material. So it was determined to remove Mr. Hill
18 from the group.

19 Q And counsel asked you if you had spoke to Mr. Hill about
20 this incident. Did Mr. Hill admit the conduct in this
21 violation, the conduct of this hearing?

22 A We did not -- we have not spoken face to face. I have not
23 asked him whether he committed the offense. He had written
24 letters when he was in prison discussing the story that we
25 heard previously about the individual asking him to take the

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Cross -- PO McMurray

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1 pictures.

2 Q Let me ask you -- I believe it's Government's Exhibit 8
3 was the monthly supervision report for the month of
4 August 2018.

5 A Yes, sir.

6 Q Have you -- did you previously see that exhibit?

7 A Yes, I have previously seen the exhibit.

8 Q Had you seen it before today?

9 A It is a copy of our monthly supervision report, which we
10 receive timely every month from Mr. Hill, and it was
11 representative of one that he sends me every month.

12 Q As far as being a registered sex offender and the
13 conditions of his supervision, would that prevent him from
14 going to parks and places where children congregate?

15 A I would have to review his conditions of supervision, but
16 our standing order in the Western District of Virginia would
17 require permission for someone to go to places that are
18 primarily used by children.

19 Q Did Mr. Hill ever seek such permission in relation to the
20 Dick and Willie Passage?

21 A In the past, he has asked for permission during the
22 daytime hours to go on the trail to take pictures of wildlife
23 and nature.

24 Q Now, the probation office's recommendation in this case is
25 revocation; correct?

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Redirect -- PO McMurray

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1 A That's correct.

2 Q Has that changed, to your knowledge, since the time the
3 report has come up?

4 A To my knowledge, it has not.

5 **MR. RAMASWAMY:** No other questions.

6 **THE COURT:** Any redirect?

7 **MS. PRYOR:** Yes, just one.

8 REDIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Did -- we've mentioned about the sexual offense program.
11 Was there a workbook that was provided to Mr. Hill?

12 A To my knowledge, there was, and he completed it very
13 quickly, which the workbook, as it's been explained to me, it
14 takes quite some time to complete. There are numerous phases
15 that you must go through, and it's not something that can be
16 completed without presenting the material to the group and
17 receiving feedback. It's not something that can be completed
18 in a couple of weeks or even a month.

19 Q Okay. And every time that Mr. Hill has went out, Mr. Hill
20 does inform you that he is traveling, or any of that nature;
21 correct?

22 A Yes, ma'am.

23 **MS. PRYOR:** Thank you. No further questions, Your
24 Honor.

25 **THE COURT:** You may step down, sir.

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Direct -- Roberta Hill

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1 (At 4:37 p.m., witness excused.)

2 **THE COURT:** Any other evidence for the Defendant?

3 **MS. PRYOR:** Yes, Your Honor.

4 **THE COURT:** All right.

5 **MS. PRYOR:** I call Ms. Roberta Hill, Your Honor.

6 **ROBERTA HILL, DEFENDANT'S WITNESS,** being first duly sworn,
7 testified as follows at 4:37 p.m.:

8 DIRECT EXAMINATION

9 **BY MS. PRYOR**

10 Q Can you tell us your name for the record.

11 A Roberta Ruth Hill.

12 Q And what is your relationship with Mr. Brian Hill?

13 A I'm his mother.

14 Q Okay. And where does Mr. Hill stay in comparison to where
15 you stay?

16 A In the apartment below my apartment at 310 Forest Street,
17 Apartment 2.

18 Q And so is this a type of duplex type of home?

19 A Yeah, it is.

20 Q Okay. And so do you work during the daytime?

21 A No. I'm at home, and I can check on him any time during
22 the day and night.

23 Q Okay. And so at one time, you guys were having some
24 issues in the same home that Mr. Hill lives in dealing with the
25 chimney; correct?

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Direct -- Roberta Hill

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1 A Yes. There was damage in his apartment with water damage
2 on his wall and ceiling in his living room.

3 Q Did you call someone to get that fixed?

4 A Yeah, I did.

5 Q Do you recall what the name of that company was that you
6 called to get that fixed?

7 A No, I can't recall the name of the company.

8 Q Do you recall how much you paid for getting it fixed,
9 getting the chimney fixed?

10 A They put -- he found out that it had been -- are you
11 talking about the first time before --

12 Q Yes, I'm talking about the first time that you got your
13 home --

14 A Yeah, that was \$300 to get it fixed. I was trying to keep
15 birds from going into the chimney.

16 Q Okay. And so you had a professional come out to get that
17 fixed?

18 A Yes.

19 Q And was there an occasion that you had that same
20 professional come back out to review it because of some issues
21 that you stated?

22 A Yeah, there was another fireplace company that came out to
23 take a look at it in January 30 of 2019.

24 Q Okay. And when they came out to fix it, did they tell you
25 of anything that might have been happening in the home at the

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Direct -- Roberta Hill

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1 time?

2 A Yeah, he said that he found out that all three flues of
3 the chimney had been completely sealed off, and that means that
4 my furnace and hot water heater was venting out through our
5 apartments into -- he said that we would have had carbon
6 monoxide coming into our apartments.

7 Q Okay. And do you recall what date that you had that
8 particular professional come out and say that?

9 A January 30, 2019.

10 Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill
11 was arrested for indecent exposure in Martinsville, Virginia?

12 A Yes.

13 Q Okay. And do you recall what that date was?

14 A September 21, 2018.

15 Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a
16 trial in Martinsville, Virginia?

17 A Uh-huh.

18 Q And were you present for that trial?

19 A Not the first trial. I was present for the trial in
20 December, December 21, I think.

21 Q Okay. Did he get a chance to come home?

22 A No, he did not.

23 Q Okay. And do you recall the first time that Mr. Hill got
24 a chance to come home after that particular -- after the first
25 time he was arrested?

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Direct -- Roberta Hill

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1 A He came home on May 14, 2019.

2 Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went
3 to the doctor any time in between that time?

4 A Yeah, he fell down one night. I guess he passed out and
5 hit his head on a desk in his office and managed to somehow get
6 back to his bedroom and fall asleep and whenever -- I set my
7 alarm at 4:30 in the morning to check on him, check his blood
8 sugar. I went down there. I saw all the blood on the pillow
9 and realized something had happened, checked his blood sugar,
10 treated an insulin reaction, and then I called 911 because I
11 didn't know what had happened to him, and I saw that there was
12 a gash above his eye. So the paramedics came out. They
13 recommended for him to go to the hospital. He refused to go in
14 the ambulance. So it took four hours for him to go through his
15 OCD routines before I could get him to the emergency room.

16 Q Do you recall when that occurred, about the date when that
17 occurred?

18 A That was during the winter, right after I first got the
19 chimney fixed to keep birds from going into the chimney. It
20 happened right after that.

21 Q Okay. And you stated that it took about four hours for
22 you to get him to the hospital. I believe you mentioned OCD?

23 A Yeah, he has obsessive-compulsive disorder, and he does
24 lengthy hand-washing routines and shower routines.

25 Q Okay. And how long has he been doing that?

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Direct -- Roberta Hill

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1 A He's been doing that since he was in 6th grade.

2 Q Okay. And is Mr. -- has Mr. Hill been diagnosed with
3 autism?

4 A Yes.

5 Q When was he diagnosed with autism?

6 A When he was four years old, he was diagnosed by Teacch in
7 Greensboro.

8 Q And does he have -- and based on him being diagnosed with
9 autism, do you have difficulty communicating with him?

10 A Yeah.

11 Q And what do you -- tell the -- can you tell the Court what
12 that means for you and your family?

13 A Yeah, communication problems. Sometimes when I try to
14 explain something to him, he doesn't quite understand what I'm
15 saying, or he's unable to see my perspective, and sometimes he
16 will get a little upset about it, which isn't unusual for
17 people with autism. So I have to further explain things, or I
18 have to be quiet and let him cool down --

19 Q Okay.

20 A -- before I can talk to him.

21 Q Does he get treatment for autism?

22 A No. There really -- when he was a kid, he was put on two
23 or three different medications that never really helped him.
24 So we had -- Teacch was coming out to help a little bit with
25 the school, but other than that --

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1 Q Does he get any treatment now for any mental health or
2 autism now?

3 A No, not for the autism. He is going to a counselor.

4 Q Okay. And what does he go to the counselor for?

5 A He goes to Piedmont Counseling a couple times a month
6 because that's what they wanted -- a condition of his bond.

7 Q And does he -- is he taking any medication at this time?

8 A Yeah, he's taking a medication to help with the OCD and
9 anxiety. I think it's called Zoloft. I'm not sure.

10 Q Okay. That's okay.

11 And as far as -- you mentioned carbon monoxide. Is he
12 taking any -- do you recall if he took any medication for the
13 carbon monoxide treatment?

14 A No, no, he didn't. We didn't know until four months after
15 he was arrested that we had carbon monoxide in our home.

16 Q Okay. And once you found out that you had carbon monoxide
17 in your home, have that been treated in your home at this time?

18 A Yeah, we got it fixed. He unplugged the flue that went to
19 the heater and the hot water heater, and he put a chimney cap
20 on the top. So we don't have any more problems with that.

21 And, plus, we got two carbon monoxide detectors in my apartment
22 and in his apartment.

23 Q Okay.

24 **MS. PRYOR:** I have no further questions, Your Honor.

25 **THE COURT:** Any examination from the Government?

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1 MR. RAMASWAMY: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. RAMASWAMY

4 Q Ms. Hill, you're pretty familiar with your son's case;
5 correct?

6 A Yes.

7 Q He files things pretty frequently with the court?

8 A Yes.

9 Q Do you assist him with that?

10 A No. That's his -- I'm not even into legal stuff. He's
11 the one that works the legal information, other than I might
12 look up information for him.

13 Q You're saying you don't read what he files?

14 A Sometimes, not all the time because sometimes he's
15 impulsive, and he does it in the middle of night when I'm
16 sleeping, so, no.

17 Q Well, if he's filing things in the middle of the night,
18 does he have Internet access?

19 A No, he does not. He faxes.

20 Q He faxes them?

21 A Uh-huh.

22 Q Some of these things are -- they're filed online, though,
23 aren't they?

24 A No.

25 Q Are you familiar with his story that someone forced him to

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1 take these pictures?

2 A Yes, I am.

3 Q That's a story that he repeated for some time, wasn't it?

4 A Yes.

5 Q And it's also in documents that he filed with the court,
6 isn't it?

7 A Yes.

8 Q And at some other time, we have his story that carbon
9 monoxide was to blame; correct?

10 A Right.

11 Q Does that coincide about when Mr. Hill found out there was
12 a probation report on the same memory card?

13 A I don't know.

14 Q You live in the same house with Mr. Hill; correct?

15 A I'm in the apartment above his apartment.

16 Q It's a house?

17 A Yes, connected.

18 Q Yes. You live in the same house with Mr. Hill; correct?

19 A Yes.

20 Q And you claim -- or you're stating there was some type of
21 carbon monoxide problem for which you're trying to relate
22 Mr. Hill's conduct on September 21, 2018; right?

23 A Right. I saw some things with his behavior prior to that
24 time, that I didn't know what was going on, but I thought that
25 he was acting oddly. But, also, I was being exposed, too, and

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1 I had some problems that I was dealing with, and I didn't
2 understand what was going on.

3 Q So this wasn't fixed until, I believe you said,
4 January 30, 2019; correct?

5 A That's whenever it was inspected and we found out about
6 the problem, and he removed the tin, yes.

7 Q So from September 21, 2018, to January 30, 2019, if you
8 had such a problem, nothing was done to fix it; right?

9 A Right.

10 **MR. RAMASWAMY:** No other questions.

11 **MS. PRYOR:** Just a follow-up.

12 REDIRECT EXAMINATION

13 **BY MS. PRYOR**

14 Q So from September of 21, 2019 -- I mean, 2018, to, I
15 believe you said, January of 30 of 2019, did you see some
16 problems in your home that was happening?

17 A Yeah. The water damage in my son's apartment got
18 increasingly worse. The ceiling started falling down. I
19 didn't know what was going on because my apartment is right
20 above his, and I wasn't getting any water damage. So I thought
21 initially it has to be the foundation. So I called the
22 foundation place, and they could only come three months later.
23 So I waited for that, and they said it's not the foundation.
24 They thought maybe it's the chimney or the roof. I got a
25 roofing company in. They recommended putting a chimney cricket

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1 in front of the chimney. They thought that would stop it. So
2 I got that done. That didn't stop it. So then I called a
3 fireplace expert out to take a look at it, and he found out
4 that it had been sealed up.

5 Q And also -- you mentioned that there was also some things
6 that were affecting Mr. Hill during that time that you couldn't
7 figure out. Can you describe some of those things for the
8 Court?

9 A He was saying that he couldn't think, he couldn't focus,
10 and he was extremely tired. I also was extremely tired, and I
11 didn't know why. I was complaining to my parents. So both of
12 us were complaining about things like not being able to think
13 clearly.

14 Q Okay.

15 **MS. PRYOR:** No further questions, Your Honor.

16 **MR. RAMASWAMY:** One follow-up.

17 RECROSS-EXAMINATION

18 **BY MR. RAMASWAMY**

19 Q Would those things happen more often when you were inside
20 the home with the carbon monoxide?

21 A Yes.

22 Q You've heard the testimony about the conduct; correct?

23 A Yes.

24 Q That happened outside, didn't it?

25 A Yes, but, I mean, I was always tired for that period of

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1 time. So, I mean -- and my son was constantly complaining
2 about not being able to think. I can't really say that that
3 was inside the house or outside the house. It was just
4 continually during that time span that we were having problems.

5 Q As a matter of fact, the testimony showed, based on the
6 camera card time, he was outside for several hours on
7 September 21, doesn't it?

8 A Yeah.

9 Q That's not consistent with inhaling carbon monoxide, is
10 it?

11 A Well, from what I've read online, it can cause a lot of
12 different problems. That can -- it could affect your
13 neurological system. I also was having a lot of head shaking
14 going on. My parents noticed that. So it can affect
15 neurological problems in the body.

16 **MR. RAMASWAMY:** No other questions.

17 **THE COURT:** All right. You may step down.

18 (At 4:51 p.m., witness excused.)

19 **MS. PRYOR:** No further evidence, Your Honor.

20 **THE COURT:** Since the Government's got the burden
21 here, I would be happy to hear from the Government.

22 **MR. RAMASWAMY:** Your Honor, in this case, the
23 violation is the Defendant committed the criminal violation of
24 the Virginia Code for indecent exposure. I have given the
25 Court the statute, but, here, if it had only been the phone

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1 call and the arrest, that's one thing, but we have a series of
2 photographs which are just plainly inexplicable.

3 As to the violation itself --

4 **THE COURT:** Let me ask a question about the
5 photographs. They are taken from a distance. How does
6 somebody take a photograph from a distance like that?

7 **MR. RAMASWAMY:** I would ask the Court to note a
8 couple of things. One is the officer's testimony about
9 flashlights. He had two flashlights. And, second, in the
10 vantage point of the photographs themselves, note the proximity
11 of the ground, and it would be our contention the camera is
12 simply set on the ground and a timer is used. As a matter of
13 fact, some of them appear to be retakes. Where Government's
14 Exhibit 1, for instance, the top right photo, sanyo096, is too
15 dark, the next photograph in sequence sanyo097 is well lit. In
16 effect, it supports the inference that he repositioned the
17 lights in order to more clearly take the photographs.

18 There's no one else depicted in these photographs.
19 In every one of them, they appear to be taken with the camera
20 set on the ground.

21 **THE COURT:** All right.

22 **MR. RAMASWAMY:** In this case, as to the conduct
23 itself -- I'm not at this point addressing anything else -- two
24 things. His initial story is clearly impossible, that someone
25 gave him a camera and told him to take these pictures under

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1 threat of his family, the fact that his violation -- his report
2 to his probation officer is found on the same memory card with
3 him being shown as the author, the conduct for a registered sex
4 offender convicted of child pornography offenses to be naked,
5 not just exposing himself -- this would be a different matter
6 if Mr. Hill had simply been walking and chose to relieve
7 himself and could have technically violated the statute, but
8 Mr. Hill was wearing socks, sandals, and a hat, and that's all.

9 As shown on Government's Exhibit 7, the map with the
10 annotations, the photographs are taken some distance away, not
11 only from his residence, but where he was observed and reported
12 to the police naked and where he's arrested, that the duration
13 of the conduct, the nature of the conduct, photographing the
14 conduct for whatever reason all support the violation. We
15 would ask that he be found in violation.

16 **THE COURT:** All right.

17 Ms. Pryor?

18 **MS. PRYOR:** Thank you, Your Honor.

19 Your Honor, we, of course, would ask that he does not
20 be found in violation, Your Honor. As you've had the
21 opportunity to hear, Your Honor, the statute does indeed state
22 that every person who intentionally makes an obscene display or
23 exposure of his person shall be found guilty of a Class 1
24 misdemeanor.

25 Your Honor, I believe that we presented evidence here

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1 today that would discredit the intent of the party, or the
2 intent of Mr. Hill. One of the elements that we are faced here
3 with is the intent element here. Your Honor, I believe that
4 the Government, one, has not provided the intent and, two, that
5 this Court has the opportunity to determine the facts that were
6 presented today to determine whether the intention of the party
7 was to make an obscene display or expose himself -- exposure of
8 himself.

9 Your Honor, you had the opportunity to hear from his
10 mother, who stated that at the time of this incident that there
11 has been evidence that there was some carbon monoxide that had
12 been displayed in their home, and based on that, Your Honor,
13 she went further to state that in her research, Your Honor,
14 when it comes to carbon monoxide, that based on that research,
15 that it does causes some level of delusion, some level of --
16 they even talked about -- she even discussed possibly that they
17 were beginning to have some headaches, that there were some
18 things that --

19 **THE COURT:** How do I rely on that in this hearing?
20 That's hearsay, and it's --

21 **MS. PRYOR:** It is hearsay.

22 **THE COURT:** I mean, it's not -- it's scientific
23 evidence, and there's no indication she's qualified to -- I
24 don't even know what her source was, whether it was Wikipedia
25 or what have you. So I am concerned about whether there's

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1 enough scientific foundation for any conclusions about the
2 effect of carbon monoxide.

3 **MS. PRYOR:** Your Honor, we do understand that, Your
4 Honor, but the factual part of what she did state was the
5 things that affected her, Your Honor, and the things that she
6 did, who has been his caretaker -- the things she saw affect
7 him.

8 So, Your Honor, we would state that there was some
9 level of affect that was going on that can be determined just
10 to Mr. Hill presently, Your Honor, that would show some level,
11 and then to actually have the evidence that there was some
12 carbon monoxide and to begin to start the process of fixing it.

13 So, Your Honor, we would state that Mr. Hill, based
14 even on this -- based on this statute, that the intent factor
15 has not been met here today, Your Honor, and that he should not
16 be found in violation of his release conditions, Your Honor.

17 **THE COURT:** Okay. I am going to find that the
18 preponderance of the evidence demonstrates that Mr. Hill did
19 violate the condition of release by violating the Virginia Code
20 18.2-387. As the officer testified, it's actually the local
21 version, but it's apparently the same statute, and that's what
22 he's charged with in that he did intentionally expose himself
23 and make an intentional either obscene display and actually
24 exposure -- intentional exposure of his person. The
25 photographs are evidence of that.

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1 He's also seen, by the officer's independent
2 testimony, to have been naked at the time and was running
3 around the neighborhood. So I credit the testimony of Sergeant
4 Jones and find him to be credible and that about September 21,
5 2018, that the Defendant was naked and running around
6 Martinsville, Virginia, taking pictures, which are indicated in
7 the Government's exhibits.

8 As to the testimony about intent -- or the argument
9 about intent, the evidence on a preponderance basis
10 demonstrates that Mr. Hill intended to do this. The story
11 about him being forced to do this by another individual finds
12 no support in the record. It's also inconsistent with some of
13 the information that's testified to by Sergeant Jones, who -- I
14 went back and was just checking his testimony, who did say that
15 the other individual, the male, asked him to -- or demanded he
16 take pictures. There's no testimony by anybody that there was
17 any kind of threat like that made, and the camera that
18 allegedly was given to Mr. Hill to take these photos, it
19 strikes me as virtually impossible that it would contain a copy
20 of the Defendant's own court records. So that's inconsistent
21 with that story as well.

22 So I'm going to find the preponderance of the
23 evidence demonstrates the Defendant violated Virginia law by
24 indecently exposing himself at the time alleged. So I'm going
25 to find as well that the violation was willful and without

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1 lawful excuse.

2 He originally was convicted of a Class C felony.

3 He's a Criminal History Category I. This is a Class C
4 violation. The guidelines provide a 3- to 9-month advisory
5 imprisonment range. The most that can be imposed on him is 24
6 months.

7 As to supervised release, the original term of
8 supervised release available under the statute is, I believe, 5
9 years to life. He had had 10 years of supervised release
10 imposed by Judge Osteen, but the term that's available could be
11 5 years to life under the statute.

12 I will say it would be my intention to work off the
13 10 years and work -- and consider nothing more than the 10
14 years that Judge Osteen -- that's the maximum that I would
15 consider for supervision. Does that make that clear?

16 **MS. PRYOR:** Thank you, Your Honor.

17 **THE COURT:** That would be my intention, but I would
18 be glad to hear from you all as to that.

19 So do you agree or disagree that those are the proper
20 guidelines?

21 **MS. PRYOR:** That was the proper guidelines, Your
22 Honor.

23 **THE COURT:** Mr. Ramaswamy?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** So I've got about 10 minutes, and we can

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1 continue this, if we need to, in the morning or on another
2 date. I would be happy to hear from you as to an appropriate
3 disposition in this case.

4 **MS. PRYOR:** Thank you so much, Your Honor.

5 Your Honor, today we are asking Your Honor -- I would
6 note, and I think you heard on testimony as well, that Mr. Hill
7 was on a federal detainer. I believe it began on December --
8 we tried to come to a date about, but I believe it was around
9 December 21 of 2018, and he was held into custody until May 14
10 of '19. So, Your Honor, that's give or take about 6 months
11 already.

12 This violation, as you note from the guidelines, Your
13 Honor, is a -- falls within that period of time, Your Honor. I
14 believe 6 months is, I believe, in the revocation that they
15 were asking for. It was around the middle, which would put us
16 right at that 6-month period.

17 Your Honor, we would ask that you would give him
18 credit for time served for that particular time, to continue
19 him on supervised probation that you've -- I mean, I'm sorry,
20 supervised release, Your Honor, pending that, but, Your Honor,
21 I do believe that he has served and he was -- as we can recall,
22 he was on that detainer, Your Honor. He could not leave, of
23 course, or if he even -- with the bond. So we can conclude
24 that he definitely was on a federal detainer at that time. He
25 did get released on conditions from the Virginia -- from

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1 Virginia, and so that would also conclude that he did have that
2 time and it was through the Federal Government.

3 **THE COURT:** Will the Bureau of Prisons give him
4 credit for the time that he was sent to Butner as time-served
5 credit or not?

6 **MS. PRYOR:** I'm not sure, Your Honor. I actually
7 called the Bureau of Prisons before so I could know that
8 answer. That was actually my question as well. Your Honor,
9 I'm not sure how that process works, and I was waiting on
10 someone to call me back from the Bureau of Prisons. And I
11 believe the attorney was supposed to call me back in order to
12 conclude that or give us an estimation of whether the Bureau
13 does consider time when you're determining competency, whether
14 that time is conclusive or does it even give them credit for
15 that when it comes to a sentencing term.

16 So, Your Honor, I don't have that answer. I would
17 like to, of course, get that answer, Your Honor, because as I'm
18 standing here asking for you to use it as credit, I can't
19 factually or be able to --

20 **THE COURT:** I understand.

21 **MS. PRYOR:** Okay. Thank you.

22 **THE COURT:** Anything further?

23 **MS. PRYOR:** So, Your Honor, I would ask -- of course,
24 that is the sentence that they have requested, but, Your Honor,
25 we would ask the Court for the bottom of the guidelines, Your

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1 Honor.

2 I would remind the Court that he does have autism. I
3 remind the Court that he has OCD. I remind the Court that he
4 does have some debilitating health issues that he does have
5 that deals with his diabetes.

6 Your Honor, Mr. Hill in custody or in prison is very
7 destruction to him as a person, who does see things and
8 perceive things, of course, differently than we do as being on
9 the autism spectrum.

10 **THE COURT:** Is he still in custody now?

11 **MS. PRYOR:** He is not in custody now.

12 **THE COURT:** He was released May 14?

13 **MS. PRYOR:** He was, Your Honor.

14 **THE COURT:** From Butner?

15 **MS. PRYOR:** No, he was released from court, Your
16 Honor. He actually got out of Butner I believe it was around
17 February, and then he was -- then he went back to court, and
18 then he was released on conditions.

19 **THE COURT:** So he was released from Butner in
20 February?

21 **MS. PRYOR:** He was released from Butner in February.
22 They sent him to another custody situation, I guess, just in
23 the process, and some things -- and this is why I bring this
24 up, too. Because of his autism, he has some issues in the jail
25 with one of the wards, and they were supposed to send him back

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1 directly after, but they put him in some level of solitary in
2 another jail.

3 All in all, he didn't get back, of course, until
4 May 14, and so that's why I stand here and ask for the credit,
5 because I would hope that the Court would -- and I say that
6 because we do understand that you've made that he has violated
7 this, and based on that, there is a punishment that must go
8 with it; but, Your Honor, I would state because of his
9 condition and because of OCD and because of autism, the courts
10 and BOP, having to learn to deal with someone with autism, I
11 don't believe that they are there yet, which makes it difficult
12 on the person. And because of -- you know, because of that,
13 Your Honor, I would ask that if you do find that you want to
14 sentence him, there are some other alternative ways of
15 sentencing him. He's been successful, as you heard from his
16 probation officer, being at home, home detention where he
17 cannot leave --

18 **THE COURT:** Before you go on further, let me just see
19 what the Government's position is, but I don't know if they're
20 opposing. He's essentially been incarcerated now for close to
21 6 months, in some form or another.

22 Are you opposing some kind of sentence that would be
23 in effect a time-served sentence?

24 **MR. RAMASWAMY:** Yes, Your Honor.

25 **THE COURT:** Okay.

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1 **MS. PRYOR:** And so, Your Honor, there are some other
2 alternative ways of doing prison -- or doing punishment. As
3 you heard, Mr. Hill has been successful with being at home. He
4 can be placed on home detention. He can have an electronic
5 monitor. He can be placed on home detention for up to 6
6 months, even up to a year, if Your Honor so requires.

7 Him being at home, he has the opportunity to -- I
8 mean, he won't have the opportunity to leave. His family does
9 travel, and they do enjoy traveling. He won't have the
10 opportunity to travel, some of the things that he takes -- some
11 of the things that he enjoys doing.

12 Your Honor can also make it any other conditions
13 that, of course, Your Honor would provide, but, Your Honor, I
14 would ask because of what he -- because he's been successful
15 through his probation of showing that he is consistent about
16 sending his report, he's consistent about contacting them, he's
17 consistent about making sure that they know where he is at all
18 times, he's consistent about being respectful to the officer,
19 so I would state that having him at home with his family and
20 even if -- like I say, even if it's more closed in where he
21 cannot leave the home I think would still satisfy the
22 punishment that is here.

23 As you heard, he does -- I believe they stated that
24 he walks that trail even during the daytime. So he does enjoy
25 going outdoors. So having the -- where the Court would tell

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1 him he could not go outdoors anymore is a punishment as well.

2 So, Your Honor, I do believe that you can satisfy the
3 factors here of the condition of him being at home on
4 detention. Whether 6 months to a year, you can satisfy the
5 condition of whether it would be a deterrence because, as you
6 note, Mr. Hill does like to travel with his family. So that is
7 the deterrence, that he won't be able to travel.

8 And being with his autism, his mindset and what he
9 thinks is differently than what it is for us or any other
10 prisoner that we could sentence to custody. His punishment is
11 just the violation, being sentenced to -- him being violated.
12 That's the difference of the sentence that he gets here today.

13 So, Your Honor, I would just ask that you would
14 consider those other alternative ways of punishment today and
15 that you would sentence him within the guidelines but through
16 alternatives ways of doing it.

17 **THE COURT:** All right.

18 **MS. PRYOR:** Thank you.

19 **THE COURT:** All right. Mr. Ramaswamy?

20 **MR. RAMASWAMY:** Your Honor, I don't wish to
21 prolong -- I don't wish to speak so long that the Court is
22 going to miss any deadlines.

23 **THE COURT:** Well, how long do you want to speak?
24 What is it the Government's arguing for?

25 **MR. RAMASWAMY:** I would first say that the Defendant

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1 is a registered sex offender who spent at least three hours out
2 that night naked, photographing himself for some unknown
3 reason. And the Court has also heard testimony that there were
4 other reports of a naked man in a stocking cap, and he's shown
5 wearing a stocking cap prior to this, and that there were no
6 such reports after Mr. Hill's arrest.

7 This is not Mr. Hill's first violation. He was not
8 revoked last time, and I'm not saying that would have been
9 appropriate; but on these facts, it is completely appropriate.
10 The probation officer is recommending the high end here. Under
11 the Chapter 7 limits and not going into Protect Act, I would
12 concur with that. I would ask the Court to sentence him to the
13 9 months. I don't know if whatever time he spent in the
14 evaluation counts. I can't say.

15 **THE COURT:** Should I take that into account? I mean,
16 he was essentially locked up for 6 months.

17 **MR. RAMASWAMY:** Yes. I'm not saying it's not
18 appropriate that the Court take it into account, but I don't
19 think simply telling Mr. Hill to stay at home and make him wear
20 a monitor -- he's proven he can't self-regulate. He's
21 consistently denied the offense conduct of the original
22 offense, of the other violation. It's always some nefarious,
23 outside force that makes Mr. Hill do things, now from someone
24 handing him a camera until, here, carbon monoxide. Mr. Hill
25 has consistently shown he doesn't take responsibility for what

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1 he does, and he's inappropriate to trust in the form of
2 self-regulation.

3 **THE COURT:** What role does his autism play in all of
4 this?

5 **MR. RAMASWAMY:** I think we're all familiar with
6 what's in the reports as to his mental state. More than the
7 autism, there is the diagnosis of delusional disorder. That is
8 in his prior records. I think the Court has dealt with persons
9 with autism before, and that's a larger topic to get into than
10 here. I think we've all been considerate. The Government, the
11 Court, the Court in the original case, counsel has been
12 considerate of the Defendant's mental condition, but on this
13 conduct, there is an overriding concern of public safety.

14 Even at the high end of what's recommended, it's
15 likely lower than someone without Mr. Hill's condition would
16 have gotten on these facts.

17 **THE COURT:** So what's the punishment for this in
18 Virginia? He's been convicted. What has he been sentenced to?
19 Do you know?

20 **MR. RAMASWAMY:** I don't know what the original
21 sentence was.

22 **THE COURT:** Ms. Pryor probably knows. What was his
23 sentence?

24 **MS. PRYOR:** Your Honor, he was given credit for
25 time -- he was given credit for time served. I believe it was

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1 a 60-day sentence, Your Honor, because it's less than a year.

2 **THE COURT:** Okay. Was that in addition to the 6
3 months he was in federal custody?

4 **MS. PRYOR:** No, that was not, Your Honor.

5 **THE COURT:** All right.

6 **MR. RAMASWAMY:** Thank you, Your Honor.

7 **THE COURT:** Mr. Hill, is there anything you would
8 like to say on your own behalf before I make a decision as to a
9 disposition of your case? Let me say to you that you have no
10 obligation to speak. You enjoy the right to remain silent
11 under our Constitution. If you wish to remain silent, I will
12 not hold that against you. On the other hand, if you would
13 like to say anything before I make a decision, this would be
14 the right time.

15 **THE DEFENDANT:** Respectfully, yes, I do, Your Honor.
16 I would like to bring up that I have been involved in a 2255
17 motion since 2017. If I have to admit guilt to something I did
18 not do, I would be committing over five acts of perjury. So am
19 I going to be required by the probation office to commits acts
20 of perjury, because I kept saying under penalty of perjury, I'm
21 innocent? I filed something that the guilty plea cannot be
22 valid if I withdrew it. The 2255 is still pending before
23 this Court, and to force me to admit guilt to something I did
24 not do is detrimental and puts me at risk of multiple perjury
25 charges.

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1 And the carbon monoxide -- I have a lot of proof,
2 Your Honor. I've got sinus tachycardia. I've got abnormal red
3 blood cell count, abnormal white blood cell count. All these
4 are in medical records, and the National Institute of Health --
5 my mom has documents from the National Institute of Health and
6 government agencies saying that carbon monoxide can be linked
7 to all kinds of problems that I had had last year, like
8 psychosis and hallucinations. And I have credible government
9 documents that all backs up everything I'm saying. That's why
10 I sent a letter to Martinsville Police Department on the
11 conduct, apologizing and saying that, look, carbon monoxide
12 caused this.

13 There might be a guy in a hoodie. There was a
14 threatening greeting card that my mother did receive that said
15 they will do a controlled action against my mother if she
16 doesn't stop putting stuff on YouTube. If she doesn't stop
17 what she's doing, they're going to commit a controlled action
18 against her. That was July 2018.

19 Your Honor, there's a lot more evidence that couldn't
20 be presented at this hearing. We needed more time. That's why
21 I filed the notice of interlocutory appeal. We would have had
22 witnesses to come and testify. We need more time, and I need
23 to go through the state appeal because I am actually innocent.
24 According to my lawyer, Scott Albrecht, the public defender of
25 Martinsville, he said, you are innocent because you did not

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1 engage in obscene-type conduct. And that means, you know, I
2 never masturbated. I never did anything sexual. I was just
3 naked. So he said that I am legally innocent under the
4 Commonwealth of Virginia. That's why I'm appealing it so that
5 I could be found actually innocent, and I plan to file a motion
6 for the writ of actual innocence in Virginia. Even though it's
7 normally sent to -- you know, felonies, I'm going to try to
8 push for it, and I'm going to ask the Attorney General to have
9 me found actually innocent because I am actually innocent.

10 **THE COURT:** All right, sir.

11 Can I speak to the probation officers briefly,
12 please?

13 (Off-the-record discussion.)

14 **THE COURT:** All right. I've already found by the
15 preponderance of the evidence that the Defendant violated the
16 valid conditions of his supervised release, and the violation
17 was willful and without lawful excuse. I'm going to order that
18 the supervised release term be revoked.

19 I've considered the factors under 3553(a) that apply
20 under 3583(e) in this case, and one of the factors is the
21 nature and circumstances of the offense. Here, the Defendant
22 was exposing himself throughout the city of Martinsville, and
23 the photos are part of the record in this case, which indicate
24 how he exposed himself, which is proof of the exposure, which I
25 found to be a violation of the indecent exposure law in

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1 Virginia.

2 Another factor is the history and characteristics of
3 the Defendant. I've considered the multiple factors here
4 indicated, including the Defendant's autism and his OCD, the
5 diabetes, his age.

6 And I'm concerned about deterrence because this is
7 the second hearing we've had on revocation. The exposure in
8 this case was intentional and purposeful. There's really no
9 way to explain otherwise. He's running around naked, taking
10 pictures of himself and posing for the pictures of his
11 genitals, and he's doing it in the open in the public. How he
12 would have thought he'd never have been caught by this is kind
13 of hard to fathom, but maybe because it's 3:00 in the morning.

14 I'm trying to take into account and give heavy
15 deference to the fact that I know he has autism. On the other
16 hand, he's extremely articulate in his various filings with the
17 court and his allocution. Mr. Hill is very capable of
18 explaining things. It may not always be rational, but he's
19 capable of explaining things. So I am trying to distance all
20 of that.

21 In this case, I'm taking into account the fact that
22 he's been in federal custody since December 21st.

23 **MS. PRYOR:** Yes, Your Honor.

24 **THE COURT:** I'm going to impose the 9 months. That's
25 within the guideline range that the probation office has

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1 recommended. That is the high end of the guidelines.

2 As a practical matter, that's, I think, 3 months from
3 now, roughly 3 months from now, because I am anticipating that
4 he should be getting credit for all of his time since
5 December 21st because he's been in federal custody. Whether
6 he's been at Butner being evaluated or wherever he was, he was
7 in still in federal custody.

8 So my sentence of 9 months is under the understanding
9 that he's getting credit for his time since December 21. It's
10 also acknowledging that he's been in state custody before that
11 and was punished in state custody, but the violations of
12 supervised release, generally speaking, run consecutive to
13 state punishment. And in this case, I think that's an
14 appropriate punishment.

15 The willfulness of this violation is what still
16 strikes me. Even though I know he's autistic and he has
17 issues, it's hard to deny the willful, intentional conduct
18 here.

19 So I'm going to order that Mr. Hill be committed to
20 the custody of the United States Bureau of Prisons for 9
21 months. As I've said, that's with the intention that that
22 would essentially be running from December 21, 2018, to the
23 present because he would be getting federal credit for that
24 time.

25 I am going to reimpose 9 years of supervision in this

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1 case under the same terms and conditions already disclosed in
2 this case.

3 All right?

4 **MS. PRYOR:** Your Honor, I do have a question. If the
5 attorney or -- once they do return my call, if they do not give
6 him credit for that 5 months that he was in custody, is that
7 still Your Honor's position?

8 **THE COURT:** No. My belief is he should get that
9 credit. So my sentence is based on the understanding that he
10 will be getting credit since then. What I guess I would tell
11 you is it will take me a few days to get the judgment prepared.

12 **MS. PRYOR:** Yes, Your Honor.

13 **THE COURT:** I would encourage you to check with the
14 Bureau of Prisons and be sure about that. If that's a problem,
15 let me know, and under Rule 35, I think it is, I will regard
16 that to be a mistake in fact.

17 **MS. PRYOR:** That's correct.

18 **THE COURT:** Unless there is an objection by the
19 parties, I would consider making that change to reflect that.

20 **MS. PRYOR:** Thank you, sir.

21 **THE COURT:** Anything else? Have you had an
22 opportunity speak -- oh, is he in custody now?

23 **MS. PRYOR:** He is not in custody, Your Honor.

24 **THE COURT:** He's been out of custody at the present
25 time. Is this a case where he can self-report, and is there

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1 any objection?

2 **MS. PRYOR:** Your Honor, that would be my request,
3 Your Honor. His family did come all the way from Martinsville,
4 Virginia, and the probation officer and him have a great, great
5 relationship.

6 **THE COURT:** Let me ask: Is there any objection to
7 self-reporting?

8 **MR. RAMASWAMY:** For the Government, I do oppose it,
9 Your Honor. I understand Probation's position, if I'm not
10 mistaken, is he be allowed to self-report.

11 **THE COURT:** What is the Probation's view?

12 **THE PROBATION OFFICER:** Your Honor, he's followed
13 instructions thus far. I don't see why he wouldn't now.

14 **THE COURT:** Is he on location monitoring?

15 **THE PROBATION OFFICER:** No, sir, not at the present
16 time.

17 **MS. PRYOR:** Your Honor, we have no objection to him
18 being on location monitoring, but I would ask that he does
19 self-report. He's never had an issue with Probation.

20 **THE COURT:** I'm -- given the myriad of factors in
21 this case -- he's still living with his mother; right?

22 **MS. PRYOR:** He does.

23 **THE COURT:** I'm going to find he's not likely to flee
24 or pose a danger to the community under circumstances where
25 he's on GPS monitoring. So I'm going to add a condition to his

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1 supervision that he be given GPS location monitoring, and he
2 can self-report then.

3 Do I have a date, Ms. Engle?

4 **MS. PRYOR:** Your Honor, this might be a stretch to
5 ask, but I believe his next court date is December 3. I was
6 wondering, Your Honor -- it's really important to him that he
7 be able to attend that hearing -- if it could be a date after
8 December 3 to report.

9 **THE COURT:** Any objection?

10 **MR. RAMASWAMY:** Your Honor --

11 **THE COURT:** It's going to take Bureau of Prisons 6 or
12 8 weeks at a minimum.

13 **MS. PRYOR:** It does, Your Honor.

14 **THE COURT:** So we'll be into November.

15 **MR. RAMASWAMY:** Given the conduct, the Government
16 does not consent to that.

17 **THE COURT:** Okay.

18 **THE PROBATION OFFICER:** Your Honor, just as a matter
19 of logistics, if he were to be released to location monitoring
20 technology, that technology should be installed immediately.
21 We would request a -- that the Court agree to a short delay of
22 the installation of that, just given the logistics of him
23 traveling back to the Western District of Virginia and the
24 Western District of Virginia installing their equipment.

25 **THE COURT:** How many days would you like before?

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1 **THE PROBATION OFFICER:** Your Honor, I think we can
2 take care of that Monday.

3 **THE COURT:** So you can add that to the condition,
4 that within 7 days that it be placed at the discretion of
5 Probation. How about that? Does that work?

6 **THE PROBATION OFFICER:** Thank you, Your Honor.

7 **THE COURT:** All right. So as long as he's on
8 location monitoring, I'll set it for Friday, December 6, noon,
9 report to the U.S. Marshal in Greensboro, if he hasn't received
10 a designation.

11 **THE PROBATION OFFICER:** I apologize, Your Honor.
12 Just for further clarification, is that a home incarceration or
13 a curfew? He would need to be placed under one of the three
14 programs as well.

15 **THE COURT:** Is there a recommendation?

16 **THE CLERK:** Is it a revision? An order of release or
17 a condition of his supervision?

18 **THE COURT:** Well, I don't know -- we'll figure out
19 that in a minute.

20 **THE PROBATION OFFICER:** I would simply recommend at
21 least a curfew. With GPS, you can order a curfew that's
22 restrictive enough to monitor his whereabouts throughout the
23 day.

24 **THE COURT:** Okay. That's a -- the case manager
25 raised a good question. This is actually not a condition of

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1 supervision. I think this is going to be a release condition
2 so he can remain on his own. So the magistrate judge's order
3 on release will be modified to add a condition for location
4 monitoring. You think home -- a curfew is sufficient?

5 **THE PROBATION OFFICER:** Your Honor, I believe a
6 curfew that's at the discretion of the probation officer would
7 be --

8 **THE COURT:** I will add a curfew at the discretion of
9 Probation. Probation is doing an excellent job of working with
10 Mr. Hill. I just want to make sure that he's in at night.

11 **MS. PRYOR:** Yes, Your Honor.

12 **THE COURT:** All right. I don't want him running
13 around naked anymore anywhere.

14 **MS. PRYOR:** Yes, Your Honor.

15 **THE COURT:** Does that address all those issues?

16 **MS. PRYOR:** It does, Your Honor.

17 **THE COURT:** Ms. Pryor, let me know right away if you
18 hear otherwise.

19 **MS. PRYOR:** I will, yes, sir.

20 **THE COURT:** Because the judgment will be issued here
21 shortly.

22 Have you had an opportunity to speak with Mr. Hill
23 about any appellate rights he may have?

24 **MS. PRYOR:** I have, Your Honor. He would like to
25 file his notice of appeal.

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1 **THE COURT:** For the record, just so that I've advised
2 him, make sure he's aware, if he does want to file a notice of
3 appeal, he must do so in writing within 14 days of the entry of
4 the Court's judgment. If he cannot afford the cost of his
5 appeal, he can ask the Fourth Circuit to waive the cost.

6 If you want to file the notice of appeal -- I haven't
7 entered a written judgment yet, but it only has to be entered
8 within 14 days of the written judgment.

9 **MS. PRYOR:** I understand. Thank you, Your Honor.

10 **THE COURT:** Ms. Hill, please keep an eye on your son.
11 I hope there won't be any problems between now and whenever he
12 gets a reporting date so that we don't have any further issues.
13 Okay.

14 **MS. PRYOR:** Thank you so much, Your Honor.

15 **THE COURT:** Good luck. I know it's a challenge.

16 All right. Anything further?

17 **MR. RAMASWAMY:** No, Your Honor.

18 **THE COURT:** All right. Please adjourn Court.

19 (END OF PROCEEDINGS AT 5:35 P.M.)

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USA v. Brian Hill -- SRV hearing -- 9/12/19

1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF NORTH CAROLINA

3 CERTIFICATE OF REPORTER

4

5

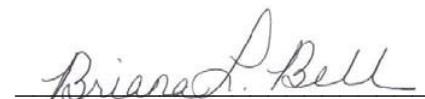
6 I, Briana L. Bell, Official Court Reporter, certify
7 that the foregoing transcript is a true and correct transcript
8 of the proceedings in the above-entitled matter.

9

10 Dated this 4th day of November 2019.

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13 Briana L. Bell, RPR
14 Official Court Reporter

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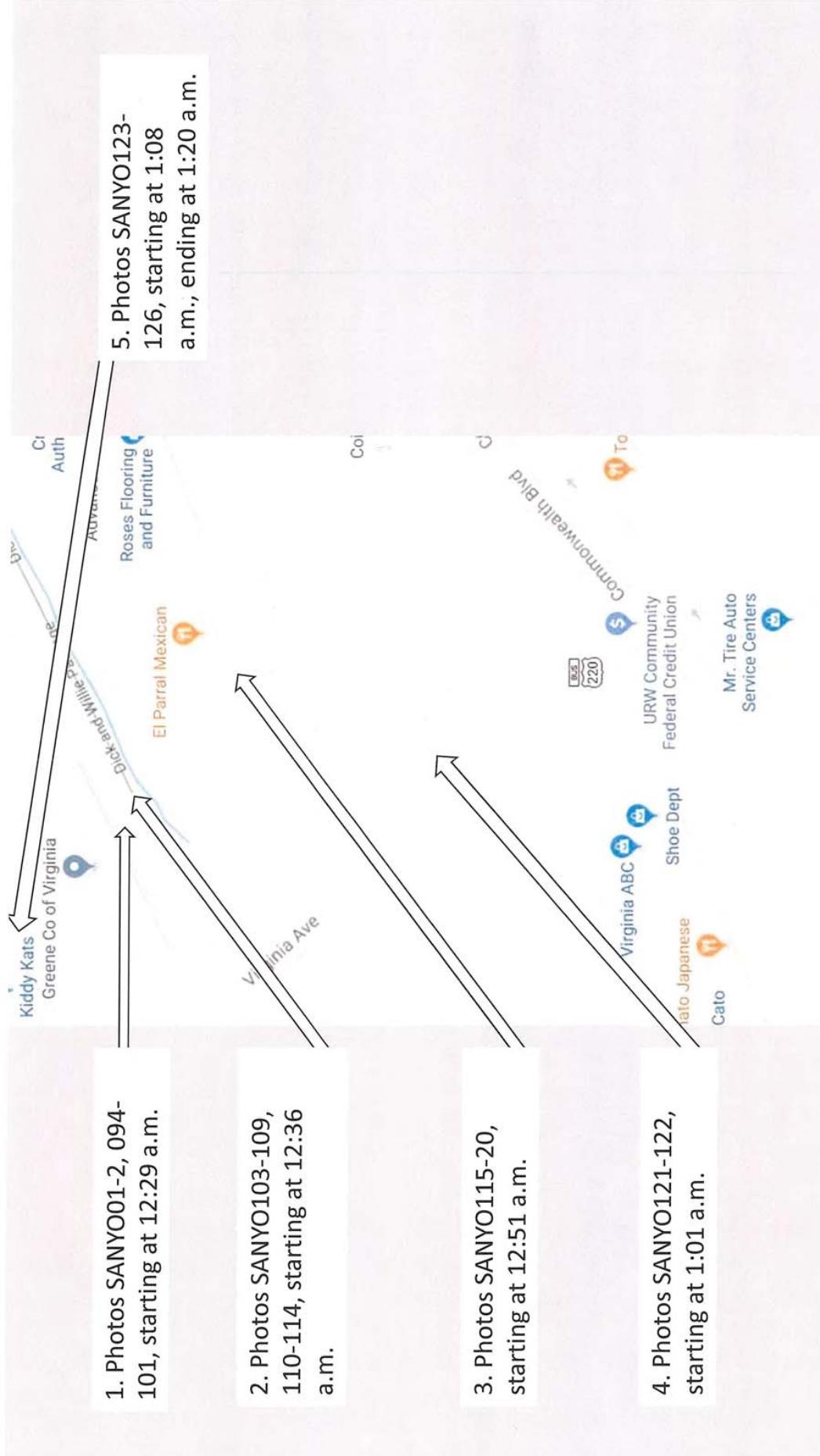
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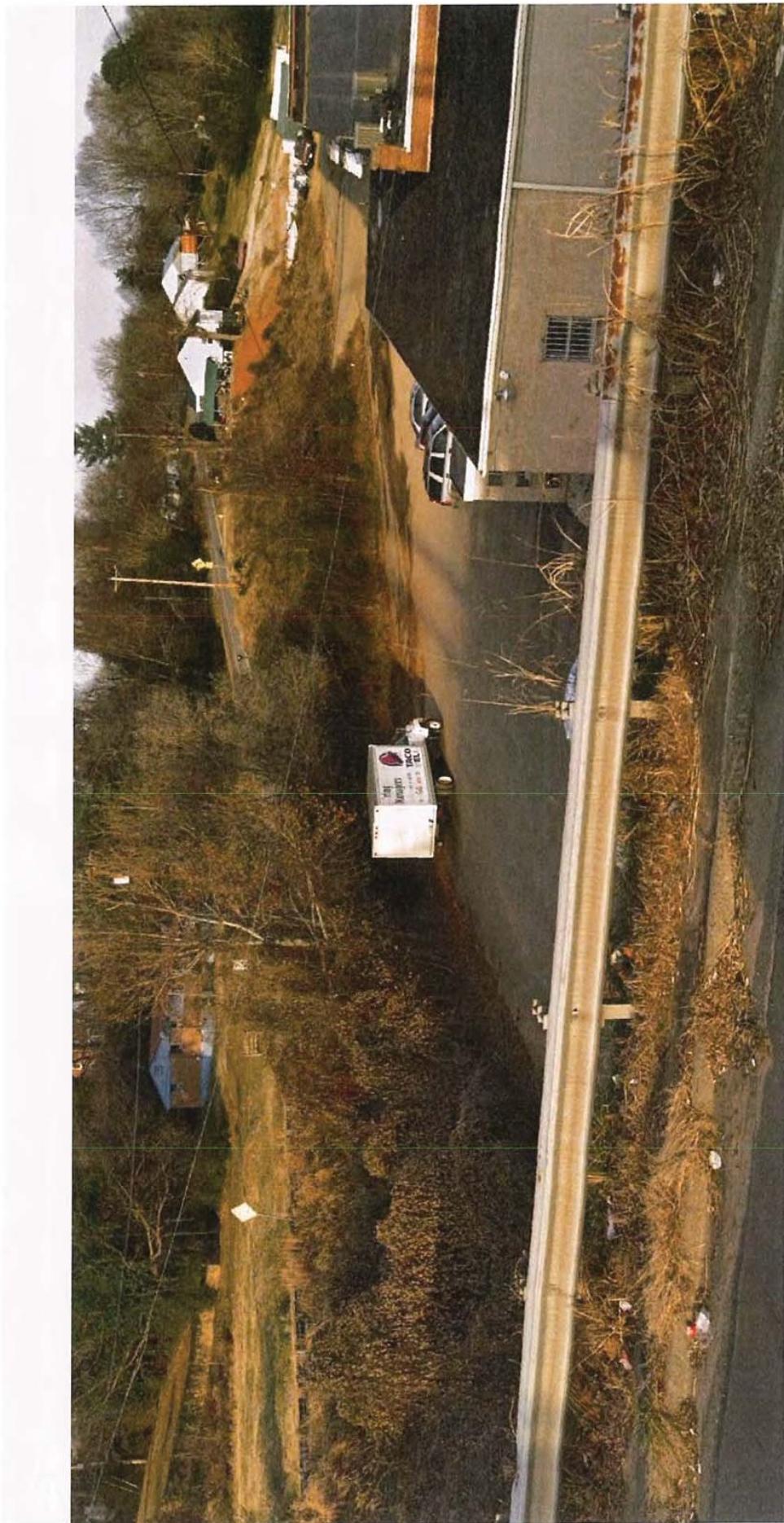
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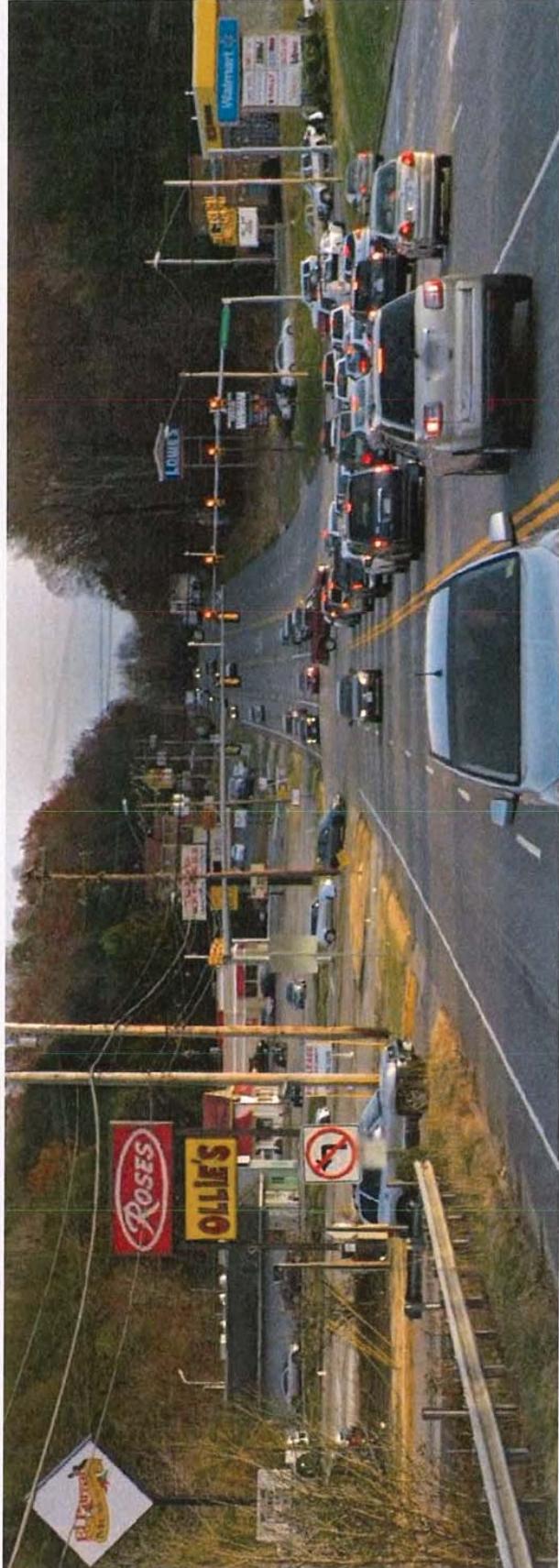




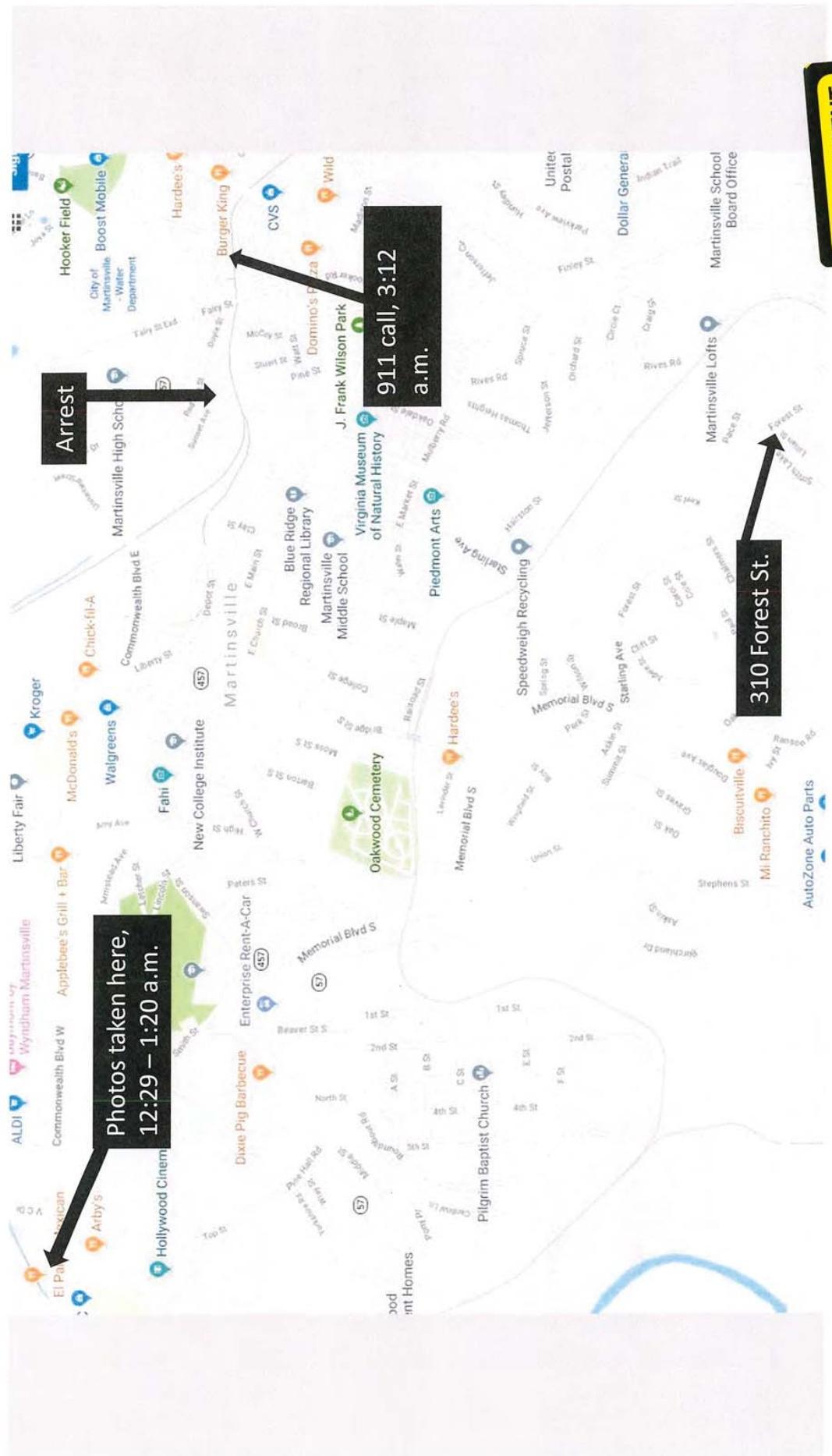
GOVERNMENT
EXHIBIT
3
(1:13CR435-SRV)



GOVERNMENT
EXHIBIT
4
(11:13CR035-SRV)



GOVERNMENT
EXHIBIT
5
(1:13CR435-SRV)



PROB 8
(Rev. 7/04)

U.S. PROBATION OFFICE
MONTHLY SUPERVISION REPORT FOR THE MONTH August 2018

Name: Brian David Hill	DOB: 05/26/1990	Court Name (<i>if different</i>):	Probation Officer: Jason M. McMurray												
PART A: RESIDENCE (<i>If new address, attach copy of lease/purchase agreement</i>)															
Street Address, Apt. Number: 310 Forest St., Apt. 2	Own or Rent? Rent	Home Phone: (276) 790-3505	Cellular Phone: 276-336-1528 - SafeLink Medicaid												
City, State, Zip Code: Martinsville, VA 24112		Persons Living With You: None Purpose so that Probation Officer can call me anytime on my SafeLink phone													
Secondary Residence:	Own or Rent?	Did you move during the month? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
Mailing Address (<i>if different</i>):	E-Mail Address:	If yes, date moved: _____ Reason for Moving: _____													
PART B: EMPLOYMENT (<i>If unemployed, list source of support under Part D</i>)															
Name, Address, Phone No. of Employer: N/A	Name of Immediate Supervisor:	Is your employer aware of your criminal status? <input type="checkbox"/> Yes <input type="checkbox"/> No													
	How many days of work did you miss? _____ Why? _____														
	Position Held:	Gross Wages:	Normal Work Hours:												
Did you change jobs? <input type="checkbox"/> Yes <input type="checkbox"/> No Were you terminated? <input type="checkbox"/> Yes <input type="checkbox"/> No	If changed jobs or terminated, state when and why.														
PART C: VEHICLES (<i>List all vehicles owned or driven by you</i>)															
1. Year/Make/Model/Color:	Mileage:	Tag Number:	Owner:												
		Vehicle ID.#:													
2. Year/Make/Model/Color:	Mileage:	Tag Number:	Owner:												
		Vehicle ID.#:													
PART D: MONTHLY FINANCIAL STATEMENT															
Net Earnings from Employment: (<i>Attach Proof of Earnings</i>)	SSI \$750	Do you rent or have access to: a post office box? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No a safe deposit box? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No a storage space? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
Other Cash Inflows:	\$0.00	Name and Address of Location: _____													
TOTAL MONTHLY CASH INFLOWS:	\$0.00														
TOTAL MONTHLY CASH OUTFLOW:	_____														
Do you have a checking account(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Bank Name: <u>My mother set up a representative Payee account for</u> Account No.: <u>my SSI Disability</u> Balance <u>Ask my mom</u>	Does your spouse, significant other, or dependant have a checking or savings account that you enjoy the benefits of or make occasional contributions toward? <input type="checkbox"/> Yes <input type="checkbox"/> No														
Do you have a savings account(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Bank Name: _____ Account No.: _____ Balance _____ Attach a complete listing of all other financial account information, if you have multiple accounts.	Bank Name: _____ Account No.: _____ Balance: _____														
List all expenditures over \$500 (including, e.g., goods, services, or gambling losses) <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Date</th> <th>Amount</th> <th>Method of Payment</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td><td>_____</td></tr> </tbody> </table>				Date	Amount	Method of Payment	_____	_____	_____	_____	_____	_____	_____	_____	_____
Date	Amount	Method of Payment													
_____	_____	_____													
_____	_____	_____													
_____	_____	_____													
GOVERNMENT EXHIBIT 8 <small>(1:13CR435-SRV)</small>															

PROB 8
(Rev. 7/04)

Page 2

PART E: COMPLIANCE WITH CONDITIONS OF SUPERVISION DURING THE PAST MONTH			
Were you questioned by any law enforcement officers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Were you arrested or named as a defendant in any criminal case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, date: _____	If yes, when and where? <u>No charge since 1:13-CR-435-1</u>		
Agency: _____	Charges: _____		
Reason: _____	Disposition: _____		
(Attach copy of citation, receipt, charges, disposition, etc.)			
Were any pending charges disposed of during the month? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was anyone in your household arrested or questioned by law enforcement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, date: _____	If yes, whom? _____		
Court: _____	Reason: _____		
Disposition: _____	Disposition: _____		
Did you have any contact with anyone having a criminal record? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Did you possess or have access to a firearm? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, whom? _____	If yes, why? _____		
Did you possess or use any illegal drugs? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Did you travel outside the district without permission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, type of drug: _____	If yes, when and where? <u>All traveling done under Authorization from USPO.</u>		
Do you have a special assessment, restitution, or fine? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, amount paid during the month: Special Assessment: _____ Restitution: _____ Fine: _____		
NOTE: ALL PAYMENTS TO BE MADE BY MONEY ORDER (POSTAL OR BANK) OR CASHIER'S CHECK ONLY.			
Do you have community service work to perform? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Do you have drug, alcohol, or mental health aftercare? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Number of hours completed this month: _____	If yes, did you miss any sessions during this month? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Number of hours missed: _____	Did you fail to respond to phone recorder instructions? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Balance of hours remaining: _____	If yes, why? _____		
WARNING: ANY FALSE STATEMENTS MAY RESULT IN REVOCATION OF PROBATION, SUPERVISED RELEASE, OR PAROLE, IN ADDITION TO 5 YEARS IMPRISONMENT, A \$250,000 FINE, OR BOTH. (18 U.S.C. § 1001)	I CERTIFY THAT ALL INFORMATION FURNISHED IS COMPLETE AND CORRECT. SIGNATURE <u>Brian D. Hill</u> DATE <u>09/03/2018</u> <u>Signed</u>		
REMARKS:	RECEIVED: Mail _____ OC _____ HC _____ CC _____		
U.S. Probation Officer _____ Date _____	RETURN TO: U.S. Probation P.O. Box 732 <u>Derlville, VA 24543</u> U.S. Probation P.O. Box 1563 Roanoke, VA 24007 Fax: 1 (540) 857-5181		

PROB/PTS 25
(08/11)**SUPERVISION REPORT FOR PERSONS CHARGED
WITH OR CONVICTED OF SEX OFFENSES**

This form is to be completed as directed by your supervising officer.

Name: Brian David Hill Month of: August 2018

- 1a. Have you complied with sex offender registration procedures, if applicable? Yes No NA
- b. The last time you reported to the registration authority: Mailed: November 9, 2017 to renew registration.
- c. Location: Department of State Police
Central Criminal Records Exchange
P.O. Box 27472, Richmond, Virginia 23261
- 2a. Have you stayed overnight anywhere other than at your reported residence? Yes No
- b. If yes, list the address, name, and ages (dates of birth) of all other occupants of that residence, and explain the circumstances:

3. Have you been near or spoken to anyone who was or appeared to be under the age of 18 whom you have not reported to your officer and/or treatment provider? Yes No

- 4a. Have you been alone with anyone under the age of 18 whom you have not reported to your officer and/or treatment provider? Yes No
- b. If yes, provide dates and names:

5. Have you consumed any alcohol? Yes No

- 6a. Have you maintained or created an e-mail address, Facebook, MySpace, Twitter, or any other social network account? Yes No
- b. If yes, list your user names and passwords for these accounts: N\A Since I'm not allowed on Internet at this time

7. Have you had any unauthorized access to the Internet, or has someone else accessed the Internet on your behalf? Yes No

- 8a. Do you have Internet access at your employment? Yes No
- b. Name of Supervisor: N\A Since Not Employed
- c. Phone:

9. Have you viewed any pornography? Yes No

PROB/PTS 25
(08/11)**SUPERVISION REPORT FOR PERSONS CHARGED
WITH OR CONVICTED OF SEX OFFENSES**

10. Have you entered any adult sex shops, adult video/bookstores, massage parlors, topless or nude bars or clubs, or used any sexually-related telephone services? Yes No
- 11a. Have you taken any medication since your last monthly report? Yes No
- b. If yes, please provide the name of the medication, the prescribing medical professional, and the reason for taking the medication:
Lantus vial, Novolog FlexPen - Diabetes Type 1 Dr. Shyam E. Balakrishnan, MD - Carilion Clinic, Dicyclomine(stress and anxiety have led me to excessive diarrhea and eczema cream)
- 12a. Have you entered into or maintained an intimate relationship since you completed your last monthly supervision report? Yes No
b. This person's name and date of birth:
Hopefully by the time I get in a relationship with a beautiful Asian woman I can overturn my conviction and get off of the Probation set up by cause of public pretender Eric David Placke then expunge all my Probation Reports on certificate of Innocence, so all damage done to me by the U.S. Attorney can be remedied.
- c. Specifically what have you told this person about your criminal and/or sexual history, and how has he or she responded?
- d. Does this person have children? Yes No
- e. If yes, do those children have contact with this person? Yes No
13. Read all of the choices below, and select the ONE that best describes your thoughts about sexual activity since you completed your last monthly supervision report.
- I have had NO sexual thoughts or interests.
 I seldom have had any sexual thoughts or interests.
 I often have had sexual thoughts, but I manage them adequately.
 I have had sexual thoughts that sometimes interfere with getting things done.
 I have been thinking about sex too much, and I need to get it under control.
 I have been thinking about sex constantly, and I need help to regain control.
14. What did you do for fun or relaxation since you completed your last monthly supervision report? Explain where and with whom.
I am still fighting to overturn my conviction (2255) as I WILL never let this case go until my wrongful conviction has been overturned. I have watched TV, filed more federal complaints with various government agencies and organizations to manage my OCD and help prove innocence, hiking, photography, watching anime, listening to music, legal work, sleeping, shopping
15. Who are the important people in your life? List: Susan Basko, Roberta Hill, Stella Forinash, Kenneth Forinash, Bob Tuskin, Eric Blair, Stewart Rhodes of Oathkeepers.org, Luke Rudkowski of We Are Change, and 9/11 Truth Movement. James Freeland, Gregory Lance, Attorney Cynthia Everson, Glen Bradley(former State Rep.), News Reporter Aaron Kesel of We Are Change, Pete Wichert, Mike Serour, other patriots

My signature below affirms that all of the information I have provided in response to questions 1-12 is true and correct. I further understand that any false statement may result in revocation of supervision and up to 5 years in prison, a \$250,000 fine, or both.18 U.S.C. § 1001.

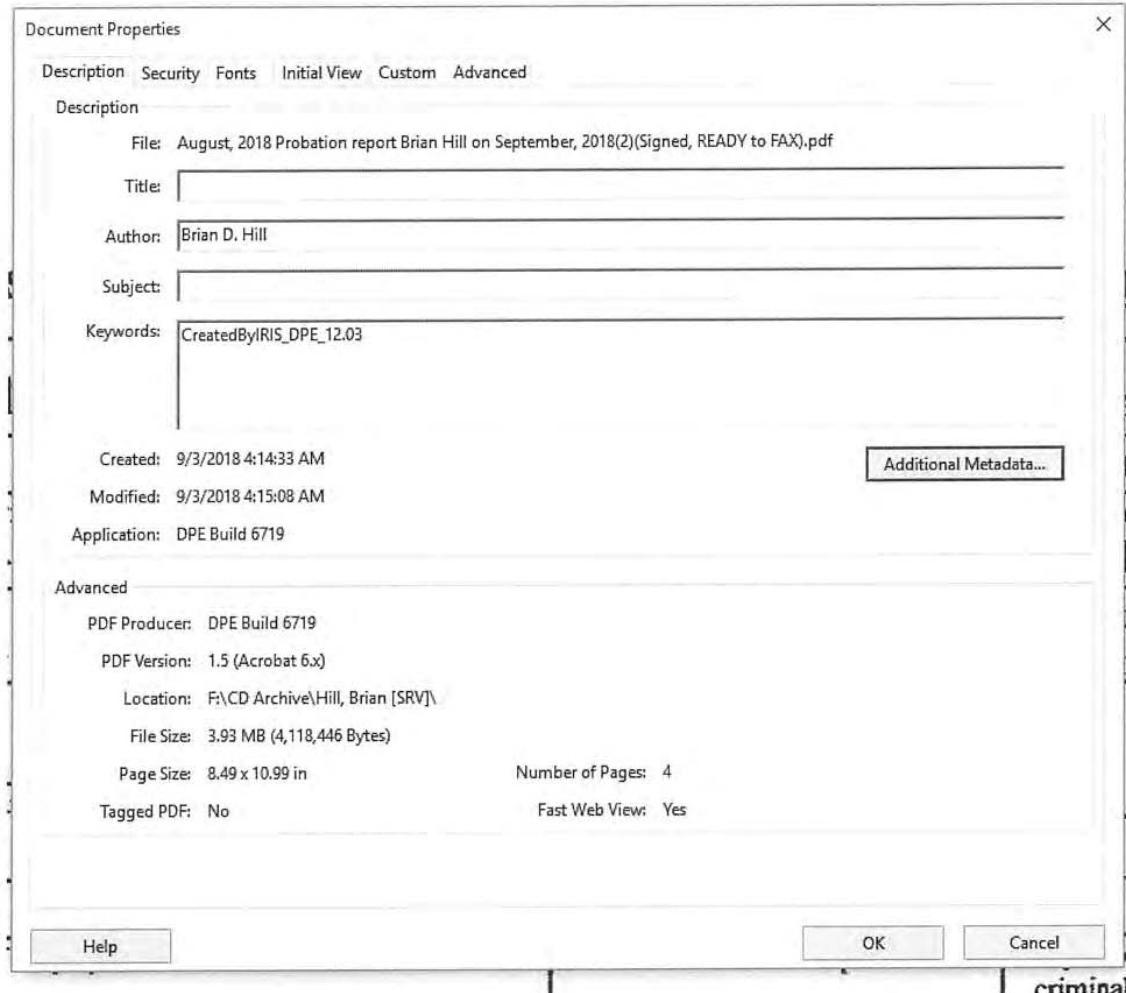
Defendant's/Offender's Signature:

Brian D. Hill
Signed

Date: 09/03/2018

Reviewed by USPSO or USPO:

Date:



§ 18.2-387. Indecent exposure, VA ST § 18.2-387

West's Annotated Code of Virginia

Title 18.2. Crimes and Offenses Generally (Refs & Annos)

Chapter 8. Crimes Involving Morals and Decency (Refs & Annos)

Article 5. Obscenity and Related Offenses (Refs & Annos)

VA Code Ann. § 18.2-387

§ 18.2-387. Indecent exposure

Currentness

Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.

Credits

Acts 1975, c. 14; Acts 1975, c. 15; Acts 1994, c. 398.

VA Code Ann. § 18.2-387, VA ST § 18.2-387

The statutes and Constitution are current through End of the 2019 Regular Session..

End of Document

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
)
v.) 1:13CR435-1
)
)
BRIAN DAVID HILL)



JUDGMENT AND COMMITMENT
Supervised Release Violation Hearing

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.



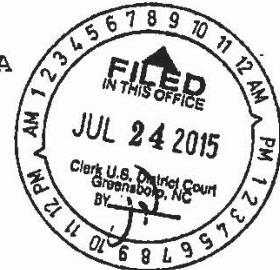
United States District Judge

October 4, 2019.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
v.)
)
BRIAN DAVID HILL)
)

1:13CR435-1



ORDER
Supervised Release Violation Hearing

On June 30, 2015, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Judgment filed in the above-entitled case on November 12, 2014, a copy of which is attached hereto and incorporated by reference into this Order.

The Defendant was represented by Renorda Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violations were willful and without lawful excuse.

IT IS ORDERED that the Defendant's supervised release shall not be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. § 3553(a).

IT IS ORDERED that the Defendant is to remain on supervised release. The Defendant shall participate in a cognitive behavioral treatment program as directed by the probation officer, and pay for treatment services, as directed by the probation officer. Such programs may include group sessions led by a qualified counselor

or participation in a program administered by the probation office.

The choice of counselor rests in the discretion of probation.

IT IS ORDERED that the Defendant shall abide by all conditions and terms of the location monitoring home detention program for a period of six (6) months. At the direction of the probation officer, Defendant shall wear a location monitoring device which may include Global Positioning System (GPS) or other monitoring technology and follow all program procedures specified by the probation officer. Defendant shall pay for the location monitoring services as directed by the probation officer.

IT IS FURTHER ORDERED that all other terms and conditions of supervised release as previously imposed remain in full force and effect.



United States District Judge

July 23, 2015.

AO 245B (NCMD Rev. 09/11) Sheet 1 - Judgment in a Criminal Case

ENTERED ON DOCKET
R. 55

NOV 12 2014

United States District Court
Middle District of North CarolinaBY UNITED STATES OF AMERICA
v.
BRIAN DAVID HILL

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:13CR435-1

USM Number: 29947-057

John Scott Coalter
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count 1.
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:2252A(a)(5)(B) and (b)(2)	Possession of Child Pornography	August 29, 2012	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

November 10, 2014

Date of Imposition of Judgment

William L. Osteen, Jr., Chief United States District Judge

Name & Title of Judge

NOV 12 2014

Date

Case 1:13-cr-00435-TDS Document 54 Filed 11/12/14 Page 1 of 6
Case 1:13-cr-00435-TDS Document 122 Filed 07/24/15 Page 3 of 8

Case 1:13-cr-00435-TDS Document 200 Filed 10/07/19 Page 5 of 16

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of ten (10) months and twenty (20) days, but not less than time served.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

at _____ am/pm on _____

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 pm on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____

_____, with a certified copy of this judgment.

UNITED STATES MARSHAL

BY

DEPUTY UNITED STATES MARSHAL

Case 1:13-cr-00435-TDS Document 54 Filed 11/12/14 Page 2 of 6
Case 1:13-cr-00435-TDS Document 122 Filed 07/24/15 Page 4 of 8

Case 1:13-cr-00435-TDS Document 200 Filed 10/07/19 Page 6 of 16

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of ten (10) years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall cooperatively participate in an evaluation and a mental health treatment program with emphasis on sex offender treatment, and pay for those treatment services, as directed by the probation officer. Treatment may include physiological testing, such as the polygraph and penile plethysmograph, and the use of prescribed medications.

The defendant shall not possess or use a computer or any other means to access any "on-line computer service" at any location (including employment) without the prior approval of the probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network.

If granted access to an "on-line computer service," the defendant shall consent to the probation officer conducting periodic unannounced examinations of his computer equipment, which may include hardware, software, and copying all data from his computer. This may include the removal of such equipment, when necessary, for the purpose of conducting a more thorough examination.

The defendant shall consent to third-party disclosure to any employer or potential employer concerning any computer-related restrictions that have been imposed upon him.

The defendant shall provide his personal and business telephone records to the probation officer upon request and consent to the release of certain information from any on-line, telephone, or similar account.

The defendant shall not have any contact, other than incidental contact in a public forum such as ordering in a restaurant, grocery shopping, etc., with any person under the age of 18, except his own children, without prior permission of the probation officer. Any approved contact shall be supervised by an adult at all times. The contact addressed in this condition includes, but is not limited to, direct or indirect, personal, telephonic, written, or through a third party. If the defendant has any contact with any child, that is a person under the age of 18, not otherwise addressed in this condition, the defendant is required to immediately remove himself from the situation and notify the probation office within 24 hours.

The defendant shall not frequent places where children congregate, such as parks, playgrounds, schools, video arcades, daycare centers, swimming pools, or other places primarily used by children under the age of 18, without the prior approval of the probation officer.

The defendant shall not view, purchase, possess, or control any sexually explicit materials, including, but not limited to, pictures, magazines, video tapes, movies, or any material obtained through access to any computer or any material linked to computer access or use.

The defendant shall submit to a search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement officer or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release.

The defendant shall register with the state sex offender registration agency in any state where he may reside, is employed, carries on a vocation, or is a student.

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____	
---------------	----------	----------	--

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the Clerk of Court, United States District Court for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401-2544, unless otherwise directed by the court, the probation officer, or the United States Attorney. Nothing herein shall prohibit the United States Attorney from pursuing collection of outstanding criminal monetary penalties.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several
 - Defendant and Co-Defendant Names, Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
 - The defendant shall forfeit the defendant's interest in the following property to the United States: to the extent any personal items not related to the offense of this investigation, the United States is authorized to return those items to Mr. Hill at the conclusion of any appeals period.

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest; (4) fine principal; (5) fine interest; (6) community restitution; (7) penalties; and (8) costs, including cost of prosecution and court costs.

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ENTERED ON DOCKET
R.55

NOV 12 2014

United States District Court

Middle District of North Carolina

UNITED STATES OF AMERICA
BY _____
v.
BRIAN DAVID HILL

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:13CR435-1

USM Number: 29947-057

John Scott Coalter
Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count 1.
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:2252A(a)(5)(B) and (b)(2)	Possession of Child Pornography	August 29, 2012	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

November 10, 2014

Date of Imposition of Judgment

Signature of Judge

William L. Osteen, Jr., Chief United States District Judge

Name & Title of Judge

NOV 12 2014

Date

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of ten (10) months and twenty (20) days, but not less than time served.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

at _____ am/pm on _____ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 pm on _____ .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

BY _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of ten (10) years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall cooperatively participate in an evaluation and a mental health treatment program with emphasis on sex offender treatment, and pay for those treatment services, as directed by the probation officer. Treatment may include physiological testing, such as the polygraph and penile plethysmograph, and the use of prescribed medications.

The defendant shall not possess or use a computer or any other means to access any "on-line computer service" at any location (including employment) without the prior approval of the probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network.

If granted access to an "on-line computer service," the defendant shall consent to the probation officer conducting periodic unannounced examinations of his computer equipment, which may include hardware, software, and copying all data from his computer. This may include the removal of such equipment, when necessary, for the purpose of conducting a more thorough examination.

The defendant shall consent to third-party disclosure to any employer or potential employer concerning any computer-related restrictions that have been imposed upon him.

The defendant shall provide his personal and business telephone records to the probation officer upon request and consent to the release of certain information from any on-line, telephone, or similar account.

The defendant shall not have any contact, other than incidental contact in a public forum such as ordering in a restaurant, grocery shopping, etc., with any person under the age of 18, except his own children, without prior permission of the probation officer. Any approved contact shall be supervised by an adult at all times. The contact addressed in this condition includes, but is not limited to, direct or indirect, personal, telephonic, written, or through a third party. If the defendant has any contact with any child, that is a person under the age of 18, not otherwise addressed in this condition, the defendant is required to immediately remove himself from the situation and notify the probation office within 24 hours.

The defendant shall not frequent places where children congregate, such as parks, playgrounds, schools, video arcades, daycare centers, swimming pools, or other places primarily used by children under the age of 18, without the prior approval of the probation officer.

The defendant shall not view, purchase, possess, or control any sexually explicit materials, including, but not limited to, pictures, magazines, video tapes, movies, or any material obtained through access to any computer or any material linked to computer access or use.

The defendant shall submit to a search of his person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement officer or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release.

The defendant shall register with the state sex offender registration agency in any state where he may reside, is employed, carries on a vocation, or is a student.

AO 245B (NCMD Rev. 09/11) Sheet 5 - Criminal Monetary Penalties

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS \$ 100.00	\$	\$

The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS \$ _____ \$ _____

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (NCMD Rev. 09/11) Sheet 6 - Schedule of Payments

DEFENDANT: BRIAN DAVID HILL
CASE NUMBER: 1:13CR435-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 100.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g. weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the Clerk of Court, United States District Court for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401-2544, unless otherwise directed by the court, the probation officer, or the United States Attorney. Nothing herein shall prohibit the United States Attorney from pursuing collection of outstanding criminal monetary penalties.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names, Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.

- The defendant shall pay the following court cost(s):

- The defendant shall forfeit the defendant's interest in the following property to the United States: to the extent any personal items not related to the offense of this investigation, the United States is authorized to return those items to Mr. Hill at the conclusion of any appeals period.

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Case 1:13-cr-00435-TDS Document 54 Filed 11/12/14 Page 6 of 6

Case 1:13-cr-00435-TDS Document 200 Filed 10/07/19 Page 16 of 16

In the United States District Court
For the Middle District of North Carolina



)
Brian David Hill,)
Petitioner/Defendant) **Criminal Action No. 1:13-CR-435-1**
)
v.) **Civil Action No. 1:17-CV-1036**
)
United States of America,) **Mandamus: 19-2077, 4th Circuit**
Respondent/Plaintiff)
)
)

PETITIONER'S NOTICE OF APPEAL

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", or "Hill"), that is acting pro se in this action before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to file this notice of appeal.

Notice is hereby given that Defendant/Petitioner Brian David Hill in the above named case hereby appeal to the United States Court of Appeals for the Fourth Circuit from an order entered in this action on October 4, 2019 (Document #198).

*See Fed. R. App. P. 3(c) for permissible ways of identifying appellants.

This NOTICE OF APPEAL concerns the abuse of discretion, ignoring the evidence, ignoring Brian's Probation officer Jason McMurray, ignoring the recommendation of the Western District of Virginia federal court that Brian David Hill be released on bond with curfew without requiring an ankle monitor, allowing frauds upon the court, and errors of the record by the Honorable U.S. District Court Chief Judge Thomas D. Schroeder.

Brian David Hill is illegally and unconstitutionally being ordered to turn himself into Federal Prison by December 6, 2019, and was done by the errors and usurpations of power by Judge Schroeder.

The Hon. Judge Schroeder is refusing to recuse himself from the case knowing that it is creating a conflict of interest and is allowing such prejudice and abuse to continue is not good for this case. Not good for the 2255 Civil case and not good for anything to do with this criminal case either. The Constitution and the law requires that a Judge be impartial and without prejudice and without bias, and for the Canons of Professional Conduct. It is also proper judicial conduct to follow the facts exactly and not making conclusory facts that cannot be proven on the record. It is also proper conduct to vacate any frauds upon the Court, even if such frauds were perpetuated by the Government.

THIS IS A CONSTITUTIONAL CRISIS.

ERRORS of the record:

Error of law #1:

Judge Schroeder; Page 1 of 8: "*The Defendant was convicted in state court in Virginia in 2018, and his federal revocation proceeding followed.*"

In the motion the Hon. Judge Thomas D. Schroeder denied under Document #192, evidence exhibit was filed from the record of the Martinsville, Virginia Circuit Court that his conviction in General District Court on December 21, 2018, was vacated due to appeal to the Circuit Court which that court had not convicted him yet due to the ongoing Trial De Novo. See Exhibit 4 — Document #193, Attachment #4 (Doc. #193-4). It is on record in Defendant's/Petitioner's Motion for Stay of Judgment pending Appeal that the "Circuit Court case was filed on 01/09/2019 and was commenced by General District Court Appeal". According to

attorney Scott Albrecht who had formerly worked for the Martinsville Public Defender office, once an appeal has been filed to the lowest municipal court also known as a police court, aka the General District Court which is not an Article III compliant constitutional state court and doesn't follow the usual constitutional obligations and is not a state court of record, then it is appealed to the Circuit Court for Trial De Novo which is to be tried in front of a Jury or Bench Trial by Judge in a state court of record. So Brian's conviction in the "police court" was no longer valid and was vacated after Brian's timely filed notice of appeal in the General District Court. It is on record during the hearing in the Western District of Virginia case no. 7:18-mj-00149, during the hearing on Dec 26, 2018 that Brian had timely filed his Notice of Appeal automatically vacating the conviction from General District Court, please review the Transcript from that case. Once the appeal has been filed in the municipal court, it is a fact and procedure of law that the conviction be treated as if it had never taken place and a new finding of guilty must be entered by the Circuit Court prior to a conviction being valid on the record or the Defendant/Petitioner would have to withdraw his appeal voluntarily to reinstate his conviction in General District Court.

So the Hon. Judge Schroeder is wrong on that factual claim, had erred, and cannot be substantiated. It shouldn't even have been entered in his opinion of his order.

Error of law #2:

Judge Schroeder; Page 7 of 8: "*Defendant reportedly hit his grandfather. (Doc. 123 at 22-23, 48.)*"

Actually it distorts what had entirely happened. USPO Kristy L. Burton had said that "*At that moment, everybody was very agitated and flurried, but I wasn't in there long enough for -- whatever had happened had occurred before I got to the home.*" Page 23 of 84.

It even said that the family did not call the police because the entire family was agitated and stressed (or flurried) which is the way families are from time to time. Families go through arguments. Nobody called the police so nobody felt that Brian David Hill was dangerous or aggressive enough to call law enforcement.

Renorda Pryor asked USPO Burton "*Q Okay. And while you were there in that environment, did they call the police? Was anyone hurt?"*"

Her response was "*A As far as I know, they never called the police, no.*"

So it was a small family feud where everybody was agitated which happens in families across the country. To use that against Brian was simply wrong and was an error of fact and an abuse of discretion.

Even witness Kenneth Forinash had this to say about the incident: "*...and his reflex action was that he turned around and hit me. It didn't hurt. And a few minutes later, we all apologized and everything was okay.*" Page 53 of 84.

It doesn't sound as bad as the way it had sounded in the Hon. Judge Schroeder's order. That was back in 2015 and should not have been used against Brian David Hill as yet another reason to deny his motion for Stay of Judgment pending Appeal. It is normal for families and even married couples to have arguments and feuds in today's climate with the extreme stress and anxiety of modern American life with jobs and the stress of life. People handle these things in different ways. To use something this small and stupid, of a small family feud, as one of the basis of the decision to deny the Motion for Stay of Judgment pending Appeal is inappropriate and is an abuse of discretion.

Error of law #3:

Judge Schroeder; Page 7 of 8: "*The Defendant maintained that the child pornography was sent to his cell phone unsolicited and anonymously, which seems unlikely in so far as the cell phone is a prepaid phone belonging to his*

grandmother (Doc. 123 at 6, 35) and no one would likely have knowledge of the phone number."

That is not true as the Defendant/Petitioner had broken no law, and that Defendant/Petitioner had never asked for the child pornography, there is no evidence of it, there is no mentioning of it in this entire case. The only thing that happened was that Brian David Hill had received threatening text messages before the child pornography had allegedly been reportedly sent to his grandmother's cell phone. Brian immediately thereafter, in good faith, reported the cell phone to his Probation Officer Kristy L. Burton who acknowledged that Brian had voluntarily reported the matter to her, a federal "law enforcement officer" or "agent", and gave her the cell phone. That is an affirmative defense under federal law to any child pornography charge under the federal law. That was why Brian had not been charged for giving the phone to Kristy L. Burton because he is actually innocent of such allegation by turning over the so-called unsolicited such material to a law enforcement officer or agent in good faith. Brian maintains that he complied with the law, and did not do anything wrong to warrant that being used against him.

According to Attorney Susan Basko on the record of Document #46 in this case:

"The other purpose was to follow the provision in federal child porn law that gives an affirmative defense under this law:"

18 U.S. Code § 2252A - Certain activities relating to material constituting or containing child pornography

(d) Affirmative Defense. – It shall be an affirmative defense to a charge of violating

subsection (a)(§) that the defendant~

(1) possessed less than three images of child pornography; and

(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof~

- (A) took reasonable steps to destroy each such image; or
- (B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

8. Shortly after Luke's situation, a group of indie journalists and activists contacted me and said they had porn sent to them in trick emails where the sender opened an email account in the name of someone the activist trusted. The delivery technique had advanced to placing the images inside a pdf, so they images could not be previewed.

These men have access to a computer forensics expert who previewed the pdf in a "sandbox," and saw they were child porn. These men included Dan Johnson of People Against the NDAA, Stewart Rhodes of Oathkeepers, and several others. These men were aware that Brian David Hill had also had child porn downloaded onto his computer.

According to the Document #123 Transcript, the Hon. Judge Schroeder forgot to bring up this part of the transcript in his order.

Page 38 of 84:

"Q When you stated that he turned over the phone to you, did he voluntarily do that?"

"A Yes, ma'am."

"Q You didn't ask him any questions about it? He just voluntarily contacted you or how -- I'm sorry. Help me understand. How did you get the phone?"

"A He did contact me to indicate -- we'd had a previous incident where information -- I was told by the family and him that the Mayodan Police Department had returned evidence to them that contained child pornography. When I asked to see that, they indicated it had been destroyed. During that time, I indicated that if this ever happens again or anything like that ever happens to let me know. So he contacted me after receiving that email -- or text message, sorry, whatever it was, and he turned it over to me within a couple of days."

"Q So he voluntarily did it?"

"A Yes."

That is an affirmative defense under "18 U.S. Code § 2252A - Certain activities relating to material constituting or containing child pornography".

Brian David Hill was compliant with federal child pornography law in this instance and that should not have been an issue to be used against Defendant/Petitioner in denying his Motion to Stay of Judgment pending Appeal.

Error of law #4:

Judge Schroeder; Page 7 of 8: "*Not only was the court unaware of the error, more importantly the filing had no influence on the court's independent determination it made based on the evidence presented at the revocation hearing.*"

That is interesting when the very Document #180 listed on pages 19 to 20 of Document #195, stated that Defendant/Petitioner was to have:

1. Been ordered to a high end of imprisonment (referring to the 10 months), and that it had been entered under the name of Brian David Hill and the correct case number for such a supposed template. The only reason why the Hon. Judge Schroeder ordered 9 months of imprisonment instead of 10 months was because of the statutory maximum that was requested by Assistant U.S. Attorney Anand Prakash Ramaswamy, the Government counsel in this case. So the 10 months was what Judge Schroeder apparently wanted but could only give 9 months, so that was similar.
2. Been ordered to the custody of the Federal Bureau of Prisons.
3. Finding that Brian David Hill was guilty of a commission of a crime on September 21, 2018, despite when the Martinsville Circuit Court has not yet come to such decision as Trial De Novo erases the conviction in General District Court and new trial had been ordered.
4. That Brian had been revoked of Supervised Release.

5. And that Brian had been represented by Attorney Renorda Pryor.

Judge Schroeder; Page 7 of 8: "*The Defendant's contention that the court pre-determined the case is false.*"

Document #180 (Pages 19 to 20 of Document #195) looked way too perfect to simply be some template. It will be up to the U.S. Court of Appeals and a judicial investigation into Judge Schroeder to determine whether Brian's contention was false or true. It is ironic that Judge Schroeder is having to defend himself against an allegation, when that has been all Brian David Hill has been able to do is consistently having to defend himself against false allegations right and left since 2012. Even if any element of an allegation was true against Brian, Judge Schroeder is seeing what it is like to being accused of something even though he has never reportedly been a criminal defendant and never got to experience what every criminal defendant has had to ever go through in the criminal justice system. Has he even wore their shoes? Has he ever been to prison and seen what it's like?

Also the fact that U.S. Probation Officer Kristy L. Burton was given more credibility and respect, but the good conduct of Brian David Hill with U.S. Probation Officer Jason McMurray was ignored and not taken into consideration by the same Judge Does In-Fact show evidence that it was premeditated/prejudice.

The fact that the Hon. Judge Schroeder gave the maximum imprisonment by (#1) didn't take his compliance under the bond conditions into account (*May 14, 2015 and is still compliant with all of the bond conditions till even this day of October 5, 2019, and beyond*); (#2) didn't take into account his compliance with the conditions of Supervised Release from the August 13, 2015 infraction under Document #124 (filed September 4, 2015) all the way until September 21, 2018 (calculated at 3 years, 1 month, and 8 days) when Brian exhibited a weird and abnormal behavior that he had never done before in the 28 years of Brian being

alive; (#3) didn't take into account that Brian and his family had respected Brian's Probation Officer Jason McMurray. Even before the infraction, Brian had been compliant and respectful with USPO McMurray during the home detention, an additional June 30, 2015 when released until August 13, 2015 before the day of infraction, 12 additional days calculated, in total would be 3 years, 1 month, and 20 days. The infraction should not count against Brian David Hill for the Final Revocation hearing because it conflicts with the affidavit of Brian's actual innocence inside of his 2255 Motion under Document #125 and #128 brief/memorandum and was filed in November, 2017, putting Brian at risk of multiple federal perjury charges just to simply get Brian to comply with sex offender treatment when that requires that Brian be forced against his will to commit criminal acts of multiple felony acts of perjury against his claims of actual innocence. None of Brian's good behavior, respect and compliance with Brian's Probation Officer Jason McMurray was taken into account at all in his decision on September 12, 2019, and none of anything at all was taken into account in Brian's favor. Sounds to me like Judge Schroeder is not exonerated of his premeditated order under Document #180 (Pages 19 to 20 of Document #195) and that simply him claiming Defendant's/Petitioner's contentions was "false" is not sufficient to prove that the Hon. Judge Schroeder is innocent of Brian's allegations of being partial, prejudicial, and biased towards Brian David Hill and is partially in favor of the Government and the liar/perjurer Kristy L. Burton. The Hon. Judge Schroeder was okay with picking at Brian's grandmother having a pre-paid cell phone with child pornography received on it but did not take Attorney Susan Basko's (Document #46) declaration into account that said anyone who receives unsolicited child pornography can report it to a law enforcement agency and turn in such device and is considered actual innocence under an affirmative defense to the child pornography law. Brian's conduct was lawful and in good faith. Judge Schroeder

jumped on any allegation against Brian that looks bad but the record says different. That is an abuse of discretion and is an error of law, false facts submitted on court record, a fraud upon the court. When Brian is complying with federal law and reporting any issues or knowledge of any criminal activity going on against Brian and his family, reporting the matter to law enforcement, that should not be used against him in denying his Motion for Stay of Judgment pending Appeal.

Last note here was that Brian had received threatening text messages in 2015, threatening emails in 2013, all about setting him up with child pornography. All of them were reported to a law enforcement agency or contact. That was before Brian had reported the child pornography being received from an anonymous person (unsolicited) on his grandmother's pre-paid cell phone.

The allegations against Judge Schroeder have still not been resolved. His answer is not sufficient to prove that he is not guilty of that misconduct of a premeditated order under Document #180.

Threatening message #1: Exhibit A — Document #71, Attachment #1

Threatening message #2: Exhibit B — Document #71, Attachment #2

Whistleblower message #1: Exhibit D — Document #71, Attachment #4

Proof from Defendant's/Petitioner's side that Tracfone was voluntarily given to USPO Kristy L. Burton and goes along with her statement on that regard under oath: Exhibit E — Document #71, Attachment #5

Threatening text messages reported to law enforcement agency N.C. State Bureau of Investigation: Exhibit F — Document #71, Attachment #6

Threatening message #3: Document #84, Attachment #7

Threatening message #4: Document #84, Attachment #8

After all of this gets argued before the U.S. Court of Appeals on the records in this case, it is clear that the Hon. Judge Thomas D. Schroeder has abused his discretion,

ignored evidence, ignored witnesses like USPO Jason McMurray, made errors of law and made errors of record, and took no evidence into consideration in Brian's favor on September 12, 2019. Prejudice, partiality, dereliction of duty?

It is clear that the U.S. Court of Appeals will rule in favor of Brian's appeals including the Writ of Mandamus.

It is also interesting that the Hon. Judge Thomas D. Schroeder and any of his legal staff had taken the time and research into producing 8 pages of order under (Document #198) dated October 4, 2019, that the error under Document #180 was already reportedly by the Order as a template that looked as though it wouldn't take long to produce a written judgment for the Notice of Appeal under Document #187 and Document #190 to finally be docketed. Despite the Court of Appeals reminding Judge Schroeder through the Clerk's office on September 20, 2019, to file the written judgment (USCA4 Appeal: 19-2077, Doc: 3, Filed: 10/02/2019, Pg: 54 of 68). Despite being served with a copy of the petitioned Writ of Mandamus (USCA4 Appeal: 19-2077, Doc: 2, Filed: 10/02/2019, all pages: 1 through 21). Instead of making sure to do his duty and file the written judgment, he is taking the time to deny two motions and write a lot of errors of law, conclusory facts by assumptions, and abuses of discretion. He rather file an order denying two motions rather than make sure that Defendant's/Petitioner's right to direct appeal under the Constitution and as of matter of law, matter of right, being protected by the court.

It is clear that the Hon. Judge Thomas D. Schroeder of Winston-Salem, North Carolina, has decided to rebel against the U.S. Court of Appeals which is disrespect and mockery of the higher courts, that may be willing to flaunt his contempt and disrespect to the higher court, out of fear that his judgment or judgments may be remanded and vacated as a matter of facts and/or as a matter of law. He is mocking the Appellate Court by failing or refusing to file the written

judgment. It normally takes a week, especially after allegedly admitting in his order as to Document #180 (Pages 19 to 20 of Document #195) being simply a template from another case as he argued in his defense to Brian's allegations in Document #195. He and his staff has allegedly taken the time to already have a template as he had claimed, took the time to file 8 pages of an order denying motions, but doesn't seem to be filing the written judgment necessary for the direct appeal of the Final Revocation hearing on September 12, 2019. In eight (8) days, it will be an entire month that Judge Schroeder may or may not file his written judgment. It is as if he is flaunting his disrespect towards the U.S. Court of Appeals in Richmond, Virginia, because they may not view his decision favorable in another state outside of North Carolina State Senator Philip Edward Berger Senior's and his son Phil Berger Jr.'s jurisdiction (Phil Berger was allegedly called a dictator by a law professor in North Carolina).

I think it is about time for the Court of Appeals to order the Hon. Judge Thomas D. Schroeder to enter his written judgment by a fixed time period or he should face contempt of a higher court. No judge should disobey his superiors that are honorable judges of a higher court. The whole judicial system of Government is about following the rules and following your duties.

The Honorable Judge Thomas D. Schroeder needs to remember to follow the law.
Respectfully filed with the Court, this the 5th day of October, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Brian asks Donald Trump for a full pardon of innocence, asks Qanon for help

Make America Great Again

Defendant/Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases.

Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing (“NEF”) email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on October 5, 2019, service was made by mailing the original of the foregoing:

"PETITIONER'S NOTICE OF APPEAL"

by deposit in the United States Post Office, in an envelope (certified mail), Postage prepaid, on October 5, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CMIECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office	Angela Hewlett Miller U.S. Attorney Office
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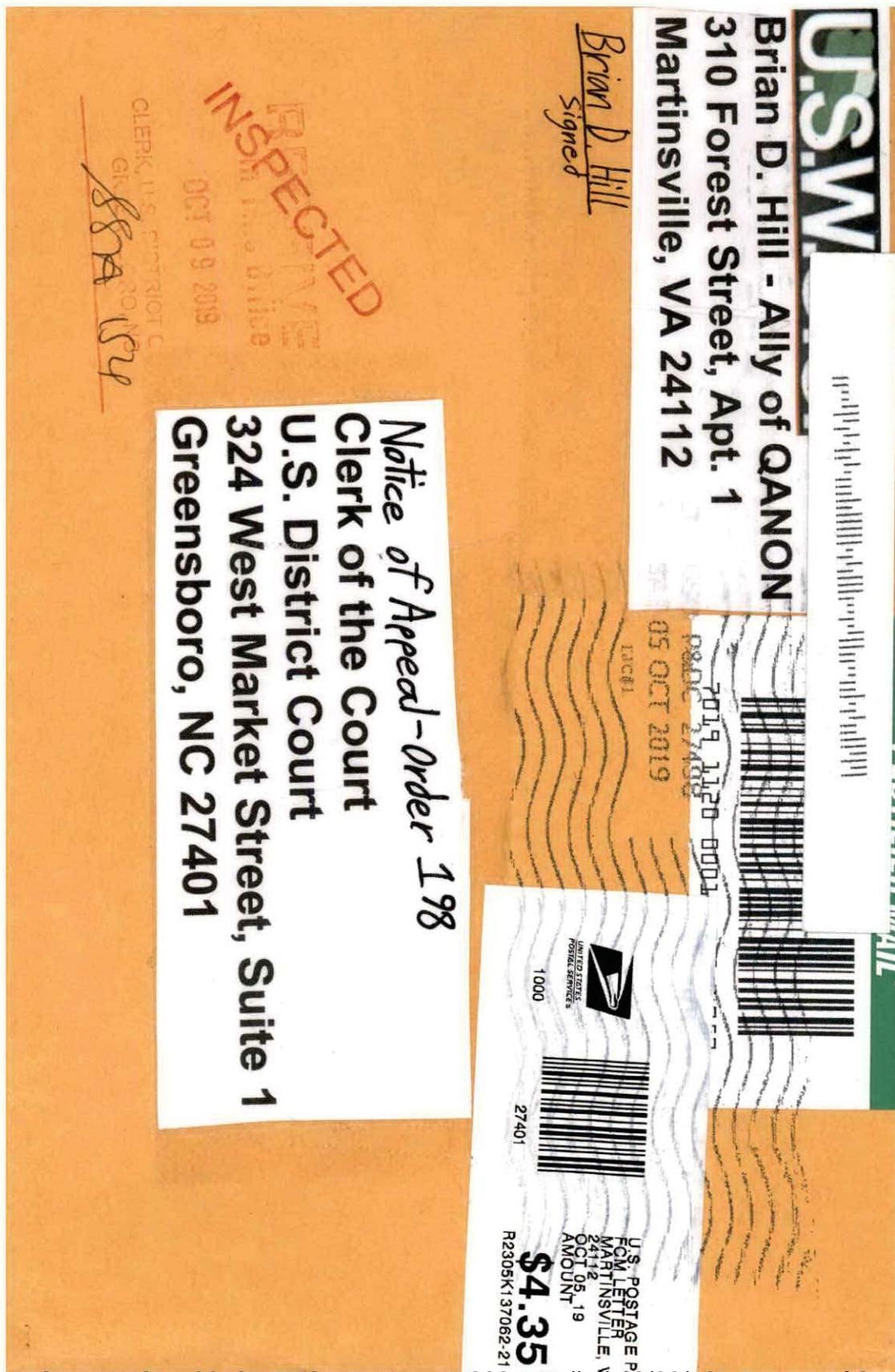
Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
JOHN M. ALSUP U.S. Attorney Office 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 john.alsup@usdoj.gov	

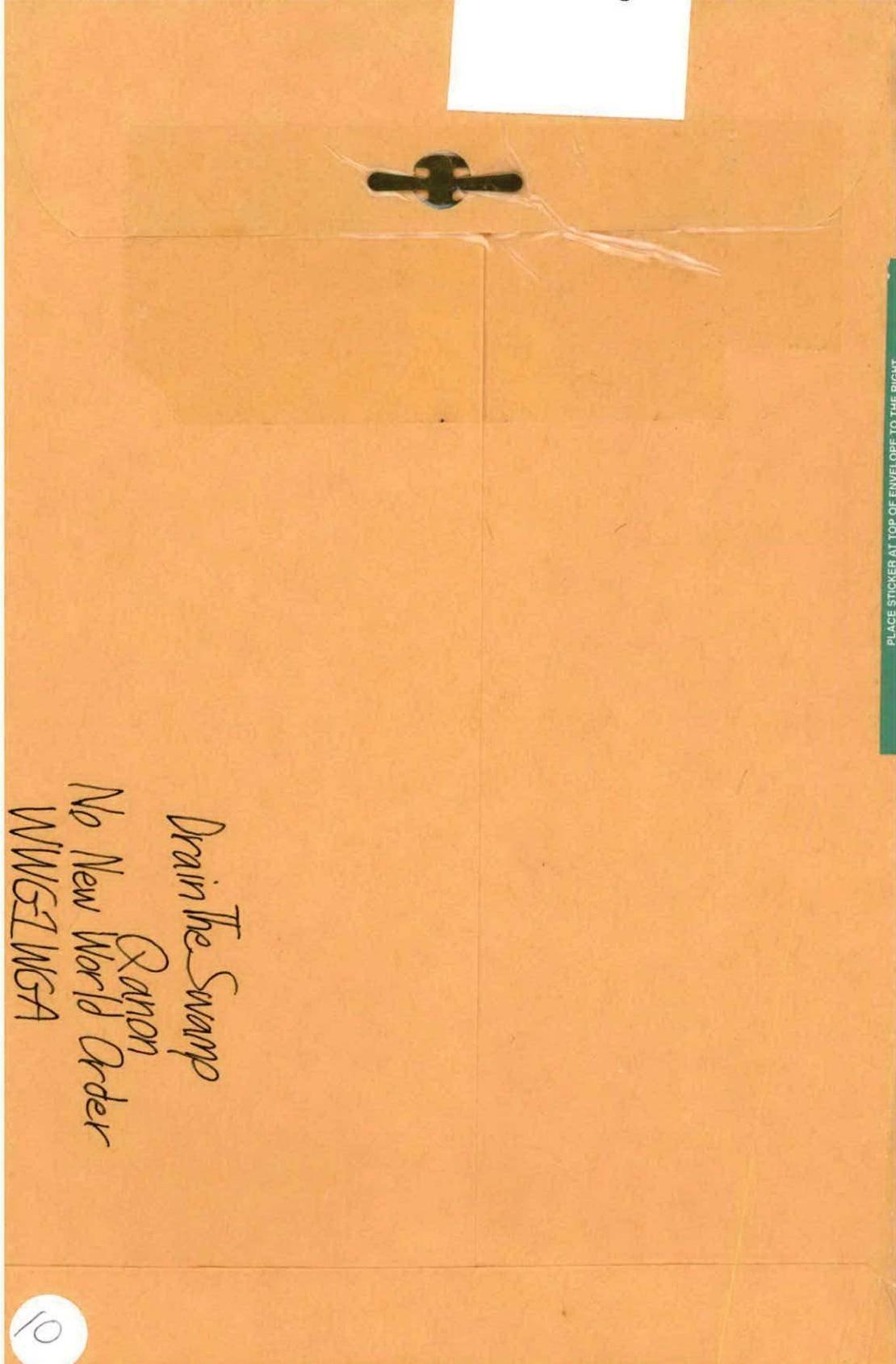
This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing: <u>October 5, 2019</u>	<p>Respectfully submitted,</p> <p><u>Brian D. Hill</u> <u>Signed</u> Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112 Phone #: (276) 790-3505</p> <p>U.S.W.G.O.</p> <p>I stand with QANON/Donald-Trump – Drain the Swamp I ask Qanon and Donald John Trump for Assistance (S.O.S.) Make America Great Again</p>
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I ask Department of Defense (“DOD”) military Constitutional oath keepers, alliance, Qanon for help in protecting me from corruption and criminal behavior of Government. There needs to be an investigation. There needs to be an investigation into this “dictator” NC Senator Philip Edward Berger as one law professor has called him in his own opinion.

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

In the United States District Court
For the Middle District of North Carolina



Brian David Hill,)
Petitioner/Defendant) Criminal Action No. 1:13-CR-435-1
)
v.) Civil Action No. 1:17-CV-1036
)
United States of America,)
Respondent/Plaintiff)
)
)

EMERGENCY

AMENDED PETITIONER'S NOTICE OF APPEAL

NOW COMES the Petitioner, by and through Brian David Hill ("Brian D. Hill"), "Petitioner", or "Hill"), that is acting pro se in this action before this Honorable Court in the Middle District of North Carolina, and hereby respectfully moves to file this AMENDED notice of appeal. Original was Document #190. Petitioner asks the Clerk to retain the original Document #190 on the record for the record of the original date of filing the appeal.

Notice is hereby given that Defendant/Petitioner Brian David Hill in the above named case hereby appeal to the United States Court of Appeals for the Fourth Circuit from an order entered in this action on October 7, 2019, Document #200, based upon the decision rendered on September 12, 2019 under Document #186.

*See Fed. R. App. P. 3(c) for permissible ways of identifying appellants.

This NOTICE OF APPEAL concerns the protection of the constitutional rights of Hill including his right to appeal in the state court before the final supervised

release violation aka the revocation hearing to protect his procedural due process right to a speedy trial. The final decision/order during the revocation hearing scheduled for September 12, 2019, at 2:00PM is an error of law and violates Hill's right to a speedy trial in his state court trial (case # CR19000009-00) and Hill's right to the appeal in the Martinsville Circuit Court in connection with the Supervised Release Violation ("SRV"). The hearing the day thereafter violates Brian's right to participate in his state criminal case appeal process, violates his speedy trial rights, violates his right to cross examine the witnesses in his state case, his right to prove that he is actually innocent (legally innocent) of his state charge which is cause for such SRV petition for revocation, and is a unconstitutional error of law and an abuse of discretion. This appeal needs to be accepted and filed to protect Hill's due process rights from being deprived by the final SRV hearing that is scheduled for the next day. This state case concerns the actual innocence of Brian David Hill (case # CR19000009-00) and any attempt to revoke his supervised release over a state charge that Hill is actually innocent of is cruel and unusual punishment, creates a legal system that punishes probationers or any criminal defendants for any charges that they are legally innocent of, and is in contradiction to Congress's intent when the United States Probation statute was created. Congress never intended to create Federal Probation with an intent to revoke probation of anybody accused of a crime that they are actually innocent of (legal innocence is actual innocence). This creates a precedent where any criminal defendant that makes any enemies within the Government or Law Enforcement could face harassment by fake criminal charges and then probation can be revoked based on fake or wrongful criminal charges. Congress never intended for Federal Probation to be used as a mechanism to revoke those who were accused of violating a federal, state, or local law but was actually innocent of such charge.

Respectfully filed with the Court, this the 10th day of October, 2019.

Respectfully submitted,

Brian D. Hill
Signed

Signed
Brian D. Hill (Pro Se)
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
Phone #: (276) 790-3505



Former U.S.W.G.O. Alternative News reporter

I stand with QANON/Donald-Trump – Drain the Swamp

Brian asks Donald Trump for a full pardon of innocence, asks Qanon for help
Make America Great Again

Petitioner also requests with the Court that a copy of this pleading be served upon the Government as stated in 28 U.S.C. § 1915(d), that “The officers of the court shall issue and serve all process, and preform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases”. Petitioner requests that copies be served with the U.S. Attorney office of Greensboro, NC via CM/ECF Notice of Electronic Filing (“NEF”) email, by facsimile if the Government consents, or upon U.S. Mail.

Thank You!

CERTIFICATE OF SERVICE

Petitioner hereby certifies that on October 10, 2019, service was made by mailing the original of the foregoing:

AMENDED PETITIONER'S NOTICE OF APPEAL

by deposit in the United States Post Office, in an envelope (certified mail), Postage prepaid, on October 10, 2019 addressed to the Clerk of the Court in the U.S. District Court, for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401.

Then pursuant to 28 U.S.C. §1915(d), Petitioner requests that the Clerk of the Court move to electronically file the foregoing using the CM/ECF system which will send notification of such filing to the following parties to be served in this action:

Anand Prakash Ramaswamy U.S. Attorney Office Civil Case # 1:17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 Anand.Ramaswamy@usdoj.gov	Angela Hewlett Miller U.S. Attorney Office Civil Case # 1: 17 -cv-1036 101 South Edgeworth Street, 4th Floor, Greensboro, NC 27401 angela.miller@usdoj.gov
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This is pursuant to Petitioner's "In forma Pauperis" ("IFP") status, 28 U.S.C. §1915(d) that "The officers of the court shall issue and serve all process, and perform all duties in such cases ... "the Clerk shall serve process via CM/ECF to serve process with all parties.

Date of signing: <u>October 10, 2019</u>	Respectfully submitted, <u>Brian D. Hill</u> Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 1 Martinsville, Virginia 24112 Phone #: (276) 790-3505  I stand with QANON/Donald-Trump – Drain the Swamp Make America Great Again
---	--

[REDACTED]

I ask Department of Defense (“DOD”) military Constitutional oath keepers, alliance, Qanon for help in protecting me from corruption and criminal behavior of Government. There needs to be an investigation. There needs to be an investigation into this “dictator” NC Senator Philip Edward Berger as one law professor Gene Nichols has called him in his own opinion.

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FROM:

U.S.W.G.O. Brian D. Hill
Brian D. Hill - Ally of QANON
310 Forest Street, Apt. 1
Martinsville, VA 24112

TO:

Clerk of the Court
U.S. District Court
324 West Market Street, Suite 1
Greensboro, NC 27401

To schedule free
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* Domestic only. * For Domestic shipments, the maximum weight is 70 lbs. For International shipments, the maximum weight is 4 lbs.

Case 1:13-cr-00435-TDS Document 205-1 Filed 10/11/19 Page 1 of 2



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Case 1:13-cr-00435-TDS Document 205-1 Filed 10/11/19 Page 2 of 2

FILED: October 31, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4758
(1:13-cr-00435-TDS-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

O R D E R

The court grants the motion to relieve counsel from further representation on appeal.

The court appoints Edward Ryan Kennedy to represent Brian David Hill on appeal. Counsel is referred to the [CJA Payment Memorandum](#) and the [CJA eVoucher Page](#) for information on appointment terms and procedures.

CJA authorization for preparation of transcript is obtained by submitting an AUTH-24 request in the district eVoucher system. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case

USCA4 Appeal: 19-4758 Doc: 11-1

Filed: 10/31/2019 Pg: 2 of 2

in order to submit the AUTH-24 request for district judge approval and the CJA 24 voucher for transcript payment. Counsel must also submit a Transcript Order Form to the court reporter and district court and file the same in the court of appeals with the docketing statement. Upon filing of the Transcript Order Form, the Fourth Circuit will set deadlines for completion of the transcript.

CJA 20 and 21 vouchers are submitted for payment through the Fourth Circuit's CJA eVoucher system. Upon receiving email notification of this appointment from eVoucher, counsel may create CJA 20 and 21 vouchers for use in maintaining time and expense records and paying for expert services.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material. Any transcripts or record material sent to prior counsel shall be provided by prior counsel to newly appointed counsel. If record items are not available from former counsel, new counsel should contact the Fourth Circuit Appointments Deputy for assistance in obtaining these items.

The court having appointed new counsel for purposes of this appeal, any motion for further substitution of counsel shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk